

STATE OF MICHIGAN
 COUNTY OF EATON ROLL CALL AND VOTES IN BOARD OF COMMISSIONER'S
 December 21 SESSION A.D. 2011

ROLL CALL

			ON MOTION TO Resol to decrease membership On RoadComm		ON MOTION TO		ON MOTION TO	
A.M.	P.M.	COMMISSIONERS	AYE	NAY	AYE	NAY	AYE	NAY
	✓	MICHAEL HOSEY		✓				
	✓	BLAKE MULDER	✓					
	✓	SUSAN HOFFMAN	✓					
	✓	LARRY BRUNETTE	✓					
	✓	JAMES OSIECZONEK	✓					
	✓	JOHN BOLES	✓					
	✓	GLENN H. FREEMAN III		✓				
	✓	JOSEPH C. BREHLER		✓				
	✓	ROGER EAKIN	✓					
	✓	WAYNE RIDGE		✓				
	✓	L. DARYL BAKER		✓				
	✓	DALE BARR	✓					
	✓	JEREMY WHITTUM	✓					
	✓	BEN COLESTOCK	✓					
	✓	JOHN FORELL	✓					
			10	5				

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

The Eaton County Board of Commissioners met in regular session at the County Facilities, in the City of Charlotte, Wednesday, December 21, 2011.

Chairman Forell called the meeting to order at 7:00 PM.

The Pledge of Allegiance to the Flag was given by all.

Commissioner Eakin gave the invocation.

Roll call. Commissioners present; Michael Hosey, Blake Mulder, Susan Hoffman, Larry Brunette, James Osieczonek, John Boles, Glenn Freeman, Joseph Brehler, Roger Eakin, Wayne Ridge, L. Daryl Baker, Dale Barr, Jeremy Whittum, Ben Colestock, John Forell. Commissioners absent; None.

Chairman Forell asked for additions or corrections to the agenda.

Commissioner Eakin moved the agenda be approved as presented. Seconded by Commissioner Baker. Carried.

Commissioner Baker moved the minutes of November 16, 2011 be approved as presented. Seconded by Commissioner Barr. Carried.

Communications.

1/ Letter from Kalamo Township expressing their support in retaining the current number of Road Commissioners at 5 members.

The Annual Report of the County Clerk, Circuit Court Clerk and Register of Deeds Offices were placed on file.

The Performance/Surety Bond Report of the County Treasurer, in accordance with P.A. 211 of 2007 was placed on file.

Chairman Forell opened the Public Hearing at 7:03 PM – PA 598 of 2006 – for the purpose of discussing a reduction of the number of members appointed to the Board of the Eaton County Road Commission. Chairman Forell announced the County Board currently appoints five (5) individuals to the Board of Road Commissioners, the County Board will receive public comment in considering whether it will approve the reduction of the number of individuals appointed to the position of Road Commissioner to three (3).

Chairman Forell asked for public comment;

The following individuals spoke in favor of reducing the membership on the County Road Commission from 5 members to 3 members.

- Larry Stevens, Kalamo Township Trustee. Mr. Stevens also spoke about reinstating the Weigh Master Program.
- Jack Fueslein, 303 High St., Charlotte
- Charles Viele, 220 Round Lake Road
- Blair Miller, 10445 Nashville Hwy., Vermontville. Mr. Miller also spoke in support of the Road Commission being abolished if the legislature gives the County the authority to do so.
- Richard Heisler, Supervisor Walton Township
- Rod Schultz, 1303 Montgomery St., Eaton Rapids
- Larry Adams, Road Commission member
- Nancy Shaver, 3050 Lamie Hwy.
- Lisa Benson, Eaton Rapids Township Trustee
- Barbara Rogers, 10609 Friedley Lane, Hamlin Township

The following individuals spoke in opposition to reducing the membership on the County Road Commission from 5 members to 3 members.

- Darrell Tennis, Road Commission member
- Barb Poma, 433 Stohl Rd., Delta Township
- Mark Smith, 5135 Davis Hwy.
- Sam Schroeder, Bellevue Township Clerk
- Travis Radian, 6150 W. Michigan Ave. Delta Township
- Brett Ramey, Kalamo Township Supervisor
- Jack Owens, Vermontville Township Supervisor

John Wenglarski, 2118 Boleman Dr., Delta Township would like to see Delta Township represented on the Road Commission and would also like to see the Road Commission abolished.

Commissioner Barr moved to close the public hearing at 7:45 PM. Seconded by Commissioner Baker. Carried.

Public Comment.

Larry Alber, 1680 W. Santee Hwy., Chester Township spoke about the poor condition of the road culverts in the county.

Commissioner Hoffman moved the approval of Resolution #11-12-110 to Continue Eaton County Human Services Collaborative Council.

WHEREAS, the Board of Commissioners established an Eaton County Human Services Collaborative Council on January 17, 1996; and

WHEREAS, such resolution requires an annual review of the Human Services Collaborative Council to determine the necessity of its continuation; and

WHEREAS, the Health and Human Services Committee feels that the Human Services Collaborative Council continues to provide a forum for human services agencies in the county to discuss their services and identify opportunities for further collaboration and partnership.

NOW, THEREFORE, BE IT RESOLVED, that the Human Services Collaborative Council be continued for another year.

Seconded by Commissioner Boles. Carried.

Commissioner Whittum moved the approval of Resolution #11-12-111, to Establish Date for Public Hearing for Proposed Animal Control Ordinance Amendment.

WHEREAS, the Public Safety Committee has discussed amendments to the current Eaton County Animal Control Ordinance; and

WHEREAS, the Committee is requesting that the Board of Commissioners hold a public hearing to receive testimony regarding the proposed amendments; and

WHEREAS, the Board of Commissioners may take action on the matter at the same meeting at which the public hearing is conducted.

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be scheduled for January 18, 2012 at 7:00 p.m. to receive testimony from the public on the Board of Commissioner' consideration to adopt the proposed amendments to the Eaton County Animal Control Ordinance; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to post notice of this public hearing and make available a copy of the proposed amendments to the Ordinance on the County's website.

Seconded by Commissioner Barr. Carried.

Commissioner Osieczonek moved the approval of Resolution #11-12-112 to Approve Acceptable Use Policy Amendment.

WHEREAS, the Board of Commissioners has adopted an Acceptable Use Policy for employees; and

WHEREAS, the Information Technology and Communication Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted acceptable use policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Acceptable Use policy, effective immediately, and

BE IT FURTHER RESOLVED, that this policy supersedes all previous versions of the County's Acceptable Use policy.

Seconded by Commissioner Brunette. Carried.

Commissioner Osieczonek moved the approval of Resolution #11-12-113, to Approve Password Policy Amendment.

WHEREAS, the Board of Commissioners has adopted an Password Policy for employees; and
WHEREAS, the Information Technology and Communication Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted acceptable use policy.
NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Password policy, effective immediately, and
BE IT FURTHER RESOLVED, that this policy supersedes all previous versions of the County's Password policy.

Seconded by Commissioner Brunette. Carried.

Commissioner Baker moved the release of the County Master Plan Amendment for public comment. The Planning Commissions public hearing is scheduled for March 6, 2012 at 7 PM at the Courthouse, 1045 Independence Blvd., Charlotte. Seconded by Commissioner Hosey. Carried. (copy on file)

Commissioner Baker moved the approval of Resolution #11-12-114, to Change the Number of Appointed Road Commissioners.

WHEREAS, the Eaton County Board of Road Commissioners currently has five (5) Road Commissioners as provided for by MCL 224.6; and
WHEREAS, effective January 3, 2007, MCL 224.6 grants the Eaton County Board of Commissioners the discretion and authority to decrease the number of Road Commissioners to a total of three (3) Road Commissioners; and
WHEREAS, on December 21, 2011, the Eaton County Board of Commissioners held a Public Hearing on whether to decrease the number of Road Commissioners from five (5) to three (3), a Notice of the Public Hearing having been properly published/posted at least 28 days before the Public Hearing; and
NOW, THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners does hereby decrease the number of Road Commissioners on the Eaton County Board of Road Commissioners from five (5) to three (3); and
BE IT FURTHER RESOLVED, that each of the two (2) Road Commissioner's terms of office expiring on December 31, 2011 and December 31, 2012, respectively, shall be eliminated upon the expiration of those terms so that as a result on January 1, 2013 the size of the appointed Board of Road Commissions shall be three (3).

Seconded by Commissioner Eakin.

Commissioners speaking in favor of the reduction in membership on the Board of Road Commissioners were; Hoffman, Osieczonek, Brunette, Forell, Boles.

Commissioners speaking in opposition to a reduction in membership on the Board of Road Commissioners were; Brehler, Ridge, Freeman, Hosey, Baker.

Roll Call Vote. Ayes: Mulder, Hoffman, Brunette, Osieczonek, Boles, Eakin, Barr, Whittum, Colestock, Forell. Nays; Hosey, Freeman, Brehler, Ridge, Baker. Carried.

Commissioner Mulder moved the approval of Resolution #11-12-115, 2012 Personnel Policy Revisions.

WHEREAS, the Board of Commissioners has adopted a Personnel Policy for employees; and
WHEREAS, the Ways & Means Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted personnel policy, to be effective January 1, 2012; and
NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Personnel Policy, effective January 1, 2012, as presented.

Seconded by Commissioner Eakin. Carried. (Copy on file)

Commissioner Mulder moved the approval of an Intergovernmental Agreement for Special Police Services with Oneida Township. Seconded by Commissioner Whittum. Carried. (copy on file)

Commissioner Mulder moved the approval of Resolution #11-12-116, to Approve Interim Operating Agreement for the Operation of the Youth Facility.

WHEREAS, the Board previously adopted an agreement to allow the Youth Facility to continue to be operated under the direction of the Family Division of the Circuit Court; and
WHEREAS, such agreement expires December 31, 2011; and
WHEREAS, the Ways and Means Committee has reviewed the operation of the Youth Facility over the past year and feels that it should remain under the operation of the Family Division of the Circuit Court.

NOW THEREFORE BE IT RESOLVED, that the Agreement be extended for another year to expire on December 31, 2012. Prior to such time, it will be reviewed again by the Ways and Means Committee.

Seconded by Commissioner Eakin. Carried.

Commissioner Mulder moved the approval of claims as audited by the Ways and Means Committee in the amount of \$296,090.14 and to accept the report of previously authorized payments. Seconded by Commissioner Whittum. Carried.

Controller Fuentes indicated commissioners were given a copy of the engagement letter with Rehmann Robson for the annual county audit. Controller Fuentes also reported the actual savings from the refunding bond sale exceeds initial estimates of over \$600,000 for the life of bonds, an almost 10.5% savings.

Public Comment.

Lisa Benson, Eaton Rapids Township Trustee spoke of the need to work together for the good of the residents of the county.

Rod Schultz, 1303 Montgomery St., Eaton Rapids spoke about time of sale transfer and asked if it could be reviewed.

John Wenglariski 2118 Boleman Drive, Delta Township would like to see a synopsis of the board's minutes in the newspaper.

Larry McNair, 2500 S. Cochran spoke of his frustration with what he feels is the Sheriff Department's decision to not utilize his towing service business and his inability to get a response as to why. Commissioner Boles indicated he and Commissioner Whittum will set up a meeting with the Sheriff and Undersheriff to discuss the issue.

Commissioner Comment.

Commissioner Mulder thanked Controller Fuentes, Martha Richard Administrator of the Medical Care Facility & Treasurer Bill Conarton for their work with the refunding bond sale.

Commissioner Brunette thanked Clerk Fuller, Deputy Clerk Denise Dyson and Controller Fuentes for their help this past year and wished everyone a Merry Christmas.

Commissioner Osieczonek thanked the staff and wished everyone a Merry Christmas.

There was no Unfinished Business, Old Business or New Business.

Chairman Forell wished everyone a Merry Christmas.

Chairman Baker adjourned the meeting to Tuesday, January 3, 2012 at 7:00 PM. Seconded by Commissioner Whittum. Carried.

Chairman of the Board of Commissioners

Clerk of the Board of Commissioners

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

**RESOLUTION TO CONTINUE
EATON COUNTY
HUMAN SERVICES COLLABORATIVE COUNCIL**

Introduced by the Health and Human Services Committee

Commissioner Hoffman moved the approval of the following resolution. Seconded by Commissioner Boles.

WHEREAS, the Board of Commissioners established an Eaton County Human Services Collaborative Council on January 17, 1996; and

WHEREAS, such resolution requires an annual review of the Human Services Collaborative Council to determine the necessity of its continuation; and

WHEREAS, the Health and Human Services Committee feels that the Human Services Collaborative Council continues to provide a forum for human services agencies in the county to discuss their services and identify opportunities for further collaboration and partnership.

NOW, THEREFORE, BE IT RESOLVED, that the Human Services Collaborative Council be continued for another year. Carried.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

**RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING
FOR PROPOSED ANIMAL CONTROL ORDINANCE AMENDMENTS**

Introduced by the Public Safety Committee

Commissioner Whittum moved the approval of the following resolution. Seconded by Commissioner Barr.

WHEREAS, the Public Safety Committee has discussed amendments to the current Eaton County Animal Control Ordinance; and

WHEREAS, the Committee is requesting that the Board of Commissioners hold a public hearing to receive testimony regarding the proposed amendments; and

WHEREAS, the Board of Commissioners may take action on the matter at the same meeting at which the public hearing is conducted.

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing be scheduled for January 18, 2012 at 7:00 p.m. to receive testimony from the public on the Board of Commissioner's consideration to adopt the proposed amendments to the Eaton County Animal Control Ordinance; and

BE IT FURTHER RESOLVED, that the County Clerk is directed to post notice of this public hearing and make available a copy of the proposed amendments to the Ordinance on the County's website. Carried.

Eaton County Animal Control Ordinance

An ordinance, providing for general animal control, within Eaton County, prescribing the licensing and regulation of animals and kennels, setting standards and conditions for animal care, prohibiting animal cruelty, establishing powers and duties of Animal Control Officers, prescribing the County Treasurer's duties with regard to animal control, providing for the impoundment, adoption, redemption and humane destruction of animals, providing special controls for keeping vicious and exotic animals, authorizing an annual dog census to be taken, establishing penalties for violations, declaring certain offenses as municipal civil infractions, establishing a municipal civil infraction violations bureau and repealing other inconsistent ordinances.

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SECTION 1. PREAMBLE.

1.1. Purpose, Findings and Policy. The County of Eaton deems DEEMING that the ownership of an animal carries with it responsibilities to the County and its residents with regard to care and control of the animal. In interpretation and application, the provisions of this Ordinance shall be construed to impose a primary responsibility for compliance of this Ordinance on the owner of an animal. The County of Eaton concludes it advisable to adopt a revised Animal Control Ordinance in the interest of protecting THE public health and safety AND WELFARE AND TO REGULATE AND CONTROL THE CONDUCT, KEEPING AND CARE OF DOGS AND CERTAIN OTHER ANIMALS, LIVESTOCK AND POULTRY, promoting the welfare of animals within Eaton County and providing PROVIDE for the orderly and uniform administration of the DOG LICENSING provisions of THE STATE OF MICHIGAN AND IN PARTICULAR Act 339 of the Public Acts of 1919 as amended. DOES HEREBY ADOPT THE FOLLOWING REVISED ANIMAL CONTROL ORDINANCE WHICH IS TO BE ENFORCED BY The Board of Commissioners finds that the presence of dangerous animals, as defined in this Ordinance, within Eaton County creates an increased danger to public health and safety and to the welfare of other animals and people. The Board of Commissioners, in recognition of the reallocation of governmental functions brought about by Act 139 of Controller/admasst/animalcontroltaskforce/animalcontrolordinanceamended 2009-9-25

~~the Public Acts of 1973, as amended, assigns the Animals Control Division, under the direction of the Animal Control Officer, to the Eaton County Sheriff Department OFFICE, UNDER THE DIRECTION OF THE CHIEF ANIMAL CONTROL OFFICER. It is the policy of the Board of Commissioners that this Ordinance shall be vigorously enforced, to the extent that financial means permit such enforcement, whenever the activities of animals and their owners within Eaton County directly endanger human life and whenever animals subject to protection by state law or this Ordinance are cruelly or inhumanely treated.~~

Section 1.2. This Ordinance shall be known as the Eaton County Animal Control Ordinance.

SECTION 2. DEFINITIONS.

2.1. "*Abandonment*" means leaving an animal unattended for more than 24 hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, shelter or medical care.

2.2. "*Animal*" means a mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

2.3. "*Animal Control Officer*" means any person employed by ~~Eaton County~~ THE SHERIFF for the purpose of enforcing this Ordinance or state statutes pertaining to animals, AND ALL PERSONS AND DEPUTIES EMPLOYED BY THE COUNTY TO ACT IN THE SAME OR A SIMILAR MANNER.

2.4. "*Animal Control Shelter*" means a facility designated or recognized by Eaton County or State of Michigan for the purpose of impounding and/or caring for animals, including a contract service provider, such as a local animal protection shelter, which may include a humane society.

2.5. "*At Large*" means, except when hunting, an animal which is not on the premises of the owner and not under the control of a person either by leash, cord, chain, or otherwise.

~~2.6. "*Cat*" means any member of the species "*Felis Catus*."~~

2.6. "CHIEF ANIMAL CONTROL OFFICER" MEANS THE PERSON EMPLOYED BY THE SHERIFF FOR THE PURPOSE OF ENFORCING THIS ORDINANCE OR STATE STATUTES PERTAINING TO ANIMALS WHO IS RESPONSIBLE FOR THE SUPERVISION OF THE ANIMAL CONTROL DIVISION AND MAINTAINING ALL REQUIRED RECORDS

2.7. "CONTINUOUS BARKING" MEANS BARKING, HOWLING, OR YELPING FOR A PERIOD OF TIME IN EXCESS OF 15 MINUTES.

Section 2. Definitions. (Cont.)

2.8. ~~2.7.~~ "*County*" means the County of Eaton of the State of Michigan.

2.9. ~~2.8.~~ "*Dangerous Animal*" means any animal, which bites or attacks a person or an animal but does not include the following:

(a) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner; OR

(b) An animal that bites or attacks a person or animal ~~that provokes torments, tortures, or treats an animal cruelly~~ AS A RESULT OF BEING PROVOKED, TORMENTED, TORTURED, OR CRUEL TREATMENT BY THAT PERSON OR ANIMAL; or

(c) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or

(d) An Exotic Animal, as defined by this Ordinance.

2.10. 2-9. "**Dog**" means any member of the species "*Canis Familiaries*."

2.11. "Exotic Animal" means any of the following described animals:

- (a) All animals, including snakes and spiders, whose bite or venom is poisonous or deadly to humans.
- (b) Apes: Chimpanzees (*Pan*); gibbons (*Hyllobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
- (c) Baboons (*Papoi*, *Mandrillus*).
- (d) Bears (*Ursidae*).
- (e) Cheetahs (*Acinonyx jubatus*).
- (f) Crocodilians (*Crocodylii*), and alligators.
- (g) Constrictor snakes, or other poisonous reptiles.
- (h) Coyotes (*Canis latrans*).
- (i) Elephants (*Elephas* and *Loxodonta*).
- (j) Gamecocks and other fighting birds.
- (k) Hyenas (*Hyaenidae*).
- (l) Jaguars (*Panthera onca*).
- (m) Leopards (*Panthera pardus*).
- (n) Lions (*Panthera Leo*).
- (o) Lynx (*Lynx*).
- (p) Ostriches (*Sruthio*).
- (q) Pumas (*Felis concolor*); also known as mountain lions, and panthers.
- (r) Wolves (*Canis lupus*).
- (s) Wolf hybrids.
- (t) Raccoons (*Procyon lotor*).
- (u) Skunks (*Genus Mephitis*).
- (v) Tigers (*Felis Tigris*).

2.11. 2-10. "**Domesticated Companion Animal**" means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to: dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish.

2.12. "Ferret" means any member of the species "*Mustela Furo*."

2.12. 2-13. "**Hunting**" means allowing a dog to range freely within the sight or sound of its owner while in the course of pursuing legal game.

2.13. 2-14. "**Kennel**" means any establishment, except a pet shop, animal protection shelter, or LICENSED pound, licensed pursuant to Act 287 of the Public Acts of 1969, as amended, being sections 287.331, *et. seq.* of the Michigan Compiled Laws, wherein or whereon WHERE animals are kept for sale, boarding, breeding, training, or sporting purposes for remuneration.

2.14. 2-16. "**Neglect**" means failure to comply with the minimum requirements for animal care set forth in Section 8 of this Ordinance.

2.15. "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and any other fur-bearing animals

being raised in captivity, including those other animals recognized by the Department of Agriculture as being within the jurisdiction of its Department.

~~2.15. 2.17.~~ "Owner" means every ANY ADULT person WHO OWNS OR RESIDES ON THE PROPERTY WHERE THE ANIMAL LIVES, EVERY PERSON HAVING A RIGHT OF PROPERTY IN THE ANIMAL, AN AUTHORIZED AGENT OF THE PERSON HAVING A RIGHT, EVERY PERSON WHO HAS THE APPARENT AUTHORITY TO HAVE A RIGHT OF PROPERTY IN THE ANIMAL. EVERY PERSON WHO KEEPS OR HARBORS THE ANIMAL OR HAS IT IN HIS CARE, CUSTODY OR CONTROL, ~~having a right of property in the animal; an authorized agent of the person having a right of property in the animal; every person who keeps or harbors the animal or has it in his care, custody or control; every person who has the apparent authority to have a right of property in the animal. An owner shall include every person who resides at the same address or permits an animal to remain on the premises in which that person resides, if such person is of legal age and capacity and has knowledge that the animal is a Dangerous Animal.~~

~~2.16. 2.18.~~ "Person" means any ADULT individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other legal or business entity.

~~2.17. 2.21.~~ "Provoke" means to perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the A bite or attack by an animal.

~~2.18. 2.22.~~ "Rabies Suspect Animal" means any animal which has bitten, scratched, or broken the skin of a human being; been in contact with or been bitten, scratched or has had its skin broken by a rabid animal; or any animal which shows symptoms suggestive of rabies.

~~2.19. "Pet"~~ means any Domesticated Companion Animal, excluding livestock, poultry, or wild animals, which is owned by any person.

2.19. "SHELTER" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.

(iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

~~2.20. "Poultry"~~ means any domestic fowl, ornamental birds, and game birds possessed or being reared under the 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.

~~2.20 2.27. (a)~~ "Vicious Animal" means any animal that has:

(A) MEANS ANY ANIMAL THAT HAS:

(i) ~~previously~~ been declared a "Dangerous Animal" under this section ORDINANCE or under [,] Public Act 426 of 1988, as amended, being sections MCL 287.321, *et. seq.* of the Michigan Compiled Laws;

(ii) a propensity, tendency, or disposition to attack, cause injury, or otherwise endanger the safety of persons or Domesticated Companion Animals; or

(iii) behaved in such a manner that the owner knows or should have known that the animal had tendencies to bite or attack persons or other Domestic Companion Animals.

(b) A Vicious Animal does not include the following:

(i) An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner, OR

(ii) An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly AS A RESULT OF BEING PROVOKED, TORMENTED, TORTURED, OR CRUEL TREATMENT BY THAT PERSON OR ANIMAL; or

(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal; or

(iv) An Exotic Animal, as defined in this Ordinance.

2.23. "Torment" means an act or omission, including abandonment or neglect, that causes unjustifiable pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior.

2.24. "Treasurer" means either the duly elected (or appointed) Treasurer of the County of Eaton, or the duly elected or appointed Treasurer of a local governmental unit (LGU) who performs the requirements of this Ordinance by appointment and authority from the Treasurer of Eaton County.

2.25. "Veterinarian" means any person in good standing licensed by the State of Michigan to practice veterinary medicine.

2.26. "Veterinary Hospital" means any establishment operated by a veterinarian for surgery, diagnosis, and treatment of diseases, illnesses, and injuries of animals.

2.28. "Wild Animal" means any Animal, which is not a Domesticated Companion Animal, or any crossbreeds of these animals with domestic animals, or any descendant of any crossbreed. Such animals include, but are not limited to: any venomous snake, python or constrictor snakes, owls, porcupines, monkeys, raccoons, skunks, leopards, lions, tigers, lynx, bobcats, badgers, fox, coyote, wolves, wolf hybrids, wolverines, squirrels, bears, deer, chipmunks, moose, elk, rabbits, opossum, beavers, ground hogs, moles, gophers, mice/rodents, bats, birds, and any related fur or feathered non-Domesticated Companion Animals.

SECTION 3. LICENSING AND REGULATION

Section 3.1 License Requirements. It shall be unlawful for any person:

- (a) To own any dog four (4) months old or older, unless the dog is licensed;
- (b) To own any dog four (4) months old or older that does not at all times wear a collar with an identifying tag approved by the Director of the Michigan Department of Agriculture (see exception below), attached as provided, except when engaged in lawful hunting accompanied by its owner; or
- (c) To remove any collar and license tag from a dog, except the owner.

3.2 License Application. On or before June 1 of each year, the owner of any A dog four 4 months old or older shall apply to the CHIEF Animal Control Officer or Treasurer in writing for a license for each dog owned or kept by the owner. The application for a license 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. Dogs THE OWNER OF A DOG THAT attaining ATTAINS the age of four (4) months AFTER JUNE 1ST shall have thirty (30) days after attaining four (4) months in which to obtain a license. The application for a license shall contain the breed, sex, age, color, markings, and the address of the previous owner of the dog.

3.3 License Fees. The license fee for dogs shall be as follows:

(a) For all NON SPAYED/NEUTERED dogs THAT ARE ~~of the age of four (4) MONTHS OF AGE OR to six (6) months old~~ older on or before June 1st of each year, Fifteen Dollars (\$15.00) if the license is obtained before June 1st.

(B) (e) For all spayed/neutered dogs, so certified by an accredited veterinarian, THAT ARE (4) MONTHS ~~of the age of six (6) months old~~ or older on or before July JUNE 1st of each year, Ten Dollars (\$10.00) if the license is obtained before June 1st;

(C) ~~(b)~~ For all NON SPAYED/NEUTERED dogs ACQUIRED ~~of the age of six (6) months old or older after July 1st of each year OR DOGS TURNING THE AGE OF (4) MONTHS OLD AFTER JUNE 1ST OF THAT YEAR,~~ Seven Dollars and fifty cents (\$7.50) if the license is obtained as provided in Section 2 of this Ordinance IF THE LICENSE IS OBTAINED AFTER JULY 1ST;

~~(e) For all spayed/neutered dogs, so certified by an accredited veterinarian, of the age of six (6) months old or older on or before July 1st of each year, Ten Dollars (\$10.00) if the license is obtained before June 1st;~~

(d) For all spayed/neutered dogs who attain the age of four (4) to six (6) months ACQUIRED after July 1st of each THAT year, Five Dollars (\$5.00) if the license if obtained as provided in Section 2 of this Ordinance IS OBTAINED AFTER JULY 1ST;

(e) For all dogs not licensed within the time period set forth in (a) through (d) above, the licenses will be considered delinquent and the fee shall be Thirty Dollars (\$30.00);

(f) Fees for leader dogs or dogs in service training are hereby waived;

(g) For any dog that has been adjudicated a Dangerous Animal pursuant to Act 426 of the Public Acts of 1988, as amended (MCL 287.321), the license fees scheduled above shall be increased by \$25.00.

(h) The license fees may be amended by Motion or Resolution of the Board of Commissioners; and

(i) Current licenses issued by other Michigan counties and by other governmental agencies shall be honored until the expiration of the license.

3.4. Transfer of License. No license or license tag issued for one dog shall be transferable to another dog, ~~cat or ferret.~~ Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of the dog may be likewise transferred by the last registered owner upon proper notice in writing to the Treasurer who shall note the transfer upon his THEIR records. This Ordinance does not require the procurement PURCHASE of a new license, ~~or the transfer of a license already secured,~~ where the possession of the dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

3.5. Loss of License Tag. If any license tag is lost, it shall be replaced without cost by the Treasurer upon application by the owner and upon production of a license receipt and a sworn statement of the facts regarding the loss of the tag.

3.6. License Revocation. The CHIEF Animal Control Officer may revoke any ~~permit or~~ DOG OR KENNEL license if the owner refuses or fails to comply with this Ordinance, or any laws or regulations governing the protection of animals. ~~The Animal Control Officer shall be permitted to inspect all animals and the premises where they are kept and, if permission for inspection is denied, may revoke the permit or license. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment, pet shop, kennel, or to own a dog. Any person having been denied a license or permit may not reapply for 30 days. Each re-application will require a \$10 fee.~~

SECTION 4. TREASURER'S RECORDS AND DUTIES; EVIDENCE.

4.1 4.2. Record of Licenses. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in Eaton County. Such records shall contain the name and address of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog; and in the case of a kennel license, it shall state the place where the business is conducted. The record shall be a public record and open to inspection during business hours. The

Treasurer shall keep an accurate record of all license fees collected by the owner or paid over to the owner by any city or township Treasurer.

~~4.24.1~~ **Comparison of Records.** On ~~April~~ JULY 1st of each year the Treasurer shall make a comparison of the records of the dogs actually licensed in Eaton County with the report of the Animal Control Officer to determine and locate all unlicensed dogs, as provided in Act 390 of Public Acts of 1998 (MCL 287.275 and MCL 287.277) AS REQUIRED BY STATE LAW.

4.3. Prima Facie Evidence of Ownership. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or the lack of such records, showing the name of the owner and the license number to which any license has been issued, and the license tag affixed to the collar or harness of the dog showing a corresponding number shall be prima facie evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag.

4.4. Annual Dog Census. It shall be the duty of the CHIEF Animal Control Officer and HIS/HER DESIGNEES ~~these other persons identified in Public Act 390 of 1998~~ TO annually to make a census of the number of dogs owned by all persons in Eaton County. During this census, a person who owns or harbors a dog shall produce proof of a valid license upon request of any person who is authorized to enforce this Ordinance. ~~The Animal Control Officer is empowered to employ whatever personnel he/she reasonably believes necessary to conduct this census within the budget limitations provided by the Board of Commissioners; the personnel shall receive for their services the amount as set from time to time by the Board of Commissioners.~~

4.3. Delegation of Duties. The duties and obligations imposed by this Ordinance upon the respective designated officials may be delegated when permitted by law to some other person or persons with like force and effect.

SECTION 5.0. CHIEF ANIMAL CONTROL OFFICER DUTIES, AUTHORITY AND RESPONSIBILITIES.

5.1. Appointment; minimum requirements REQUIREMENTS. ~~An~~ A CHIEF Animal Control Officer shall be appointed HIRED by the Eaton County Board of Commissioners SHERIFF and shall serve as the head of the Animal Control Division; provided, however, that the CHIEF Animal Control Officer(s) AND ALL ANIMAL CONTROL OFFICERS shall have and meet the minimum requirements contained in MCLA 287.289b; MSA 12.540(2).

5.2. Salary. ~~In lieu of all fees and other remuneration under the statutes of this state, the Animal Control Officer or his deputies, assistants and census takers shall be paid a salary or wages as established and determined by the Board of Commissioners. For employees represented by a bargaining unit wages will be determined by contract negotiations.~~

5.2 5.3. Duties AND AUTHORITY. The CHIEF Animal Control Officer AND HIS/HER DESIGNEES shall HAVE THE fulfill the following duties AND AUTHORITY:

(a) The CHIEF Animal Control Officer IS AUTHORIZED TO INVESTIGATE ANY COMPLAINTS OF VIOLATIONS OF THIS ORDINANCE OR STATE LAWS REGARDING ANIMALS.

(B) THE CHIEF ANIMAL CONTROL OFFICER MAY promptly seize, take up and place in the animal protection shelter, or contracted services provider, including a state licensed humane society, DOGS, LIVESTOCK, OR POULTRY all animals being kept or harbored or found running at large any place within Eaton County contrary to the provisions of this Ordinance or the statutes of the State. ~~As to any cat found roaming or wandering on public property or private property other than that of its owner, that is unrestrained, without its owner immediately and visibly present in such area, the animal control officer after reasonable investigation shall be vested~~ Controller/admasst/animalcontroltaskforce/animalcontrolordinanceamended 2009-9-25

~~with discretion to conclude that such cat is feral or abandoned by its owner and may seize and impound the cat in accordance with the provisions of this Ordinance.~~

(C) ~~(b)~~ The CHIEF Animal Control Officer AND HIS/HER DESIGNEES shall be properly deputized as a peace or police officer[S] for the purpose of this Ordinance. He or she ~~THEY~~ shall have the legal authority and duty to issue appearance tickets, citations or summonses to those persons ~~owning, keeping or harboring animals~~ ACTING contrary to the provisions of this Ordinance OR STATE LAWS RELATING TO ANIMALS.

(D) ~~(e)~~ The CHIEF Animal Control Officer or a duly recognized service provider under contract with Eaton County MAY, subject to the limitations UNDER THE GUIDELINES FOR HOLDING PERIODS AND NOTIFICATION contained in this Ordinance SET FORTH IN STATE STATUTES, shall dispose of impounded animals which are not claimed and released within seven (7) days by THE LEGAL OWNER, BY one of the following methods:

- (i) adoption by an individual person who meets adoption criteria for the animal; or
- (ii) humane euthanasia under MCL 287.279(a); or
- (iii) release to a duly recognized service provider to Eaton County, such as a licensed humane society or animal protection shelter.

Note: The state guidelines for holding periods do not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. This section also does not apply to any animal that is voluntarily signed over to the Animal Control Shelter by its owner. In both of these cases no minimum holding period is required before disposing of the animal.

~~(iv) The Animal Control Officer may sell, give or make available any live or dead animals of any species or any animal body parts or organs to be used for research, experimental or any other purposes by any person, firm, corporation or institution, to the extent necessary to comply with health laws and regulations concerning rabies. The Animal Control Officer shall be responsible for disposition of the bodies of animals destroyed at the animal protection shelter in accordance with State law and regulations.~~

~~However, if a dog has a collar, license, or other evidence of ownership, the Animal Control officer shall notify the owner in writing by first class mail of the impoundment. Disposition of the animal shall then not be made until after ten (10) days from the date of mailing the notice. The Animal Control Division shall maintain a record of when the animal was acquired and under what circumstances. This record shall also indicate the date of notice sent to the owner of an animal and any subsequent disposition of the animal. This section does not apply to animals that are sick or injured to the extent that the holding period would cause the animal to suffer. If, in his or her judgment, the Animal Control Officer deems that an animal is valuable or otherwise desirable for keeping, the Animal Control Officer may release the animal to a duly recognized service provider under contract with Eaton County, such as a licensed humane society, upon payment of the proper charge for the care and treatment of the animal while kept in the Animal Control Shelter. Provided, if the licensed humane society provided the animal its care and shelter, then no additional fees shall be paid for the release of the animal to the licensed humane society. Regulations regarding the sale of animals from the animal protection shelter and boarding and other charges shall be posted in a conspicuous place at the Animal Control Shelter. The bodies of all animals destroyed at the Animal Control Shelter or elsewhere in Eaton County shall be disposed of by the Animal Control Officer in a manner approved by the Eaton County Health Department and the Board of Commissioners. Any animals voluntarily relinquished to the Animal Control Shelter by their owners for disposition (not boarding), need not be kept for the minimum period of seven (7) or ten (10) days before release or disposal of the animal by the Animal Control Officer.~~

(E) THE CHIEF ANIMAL CONTROL OFFICER SHALL MAINTAIN A RECORD OF WHEN THE ANIMAL WAS ACQUIRED, UNDER WHAT CIRCUMSTANCES, COPIES OF ANY REQUIRED NOTICES AND THE DISPOSITION OF THE ANIMAL. REGULATIONS REGARDING THE SALE ADOPTION OF ANIMALS FROM THE ANIMAL PROTECTION SHELTER AND BOARDING AND OTHER CHARGES SHALL BE POSTED IN A CONSPICUOUS PLACE AT THE ANIMAL CONTROL SHELTER.

(F) THE CHIEF ANIMAL CONTROL OFFICER SHALL DISPOSE OF THE BODIES OF ALL ANIMALS DESTROYED AT THE ANIMAL CONTROL SHELTER OR ELSEWHERE IN EATON COUNTY IN A MANNER APPROVED BY THE STATE OF MICHIGAN.

(G) (d) The CHIEF Animal Control Officer shall promptly investigate all animal bite cases involving human injury and shall search out and attempt to discover the animal involved. If the CHIEF Animal Control Officer finds the animal responsible for the bite, he or she shall either impound or quarantine the animal for examination for disease in accordance with the applicable provisions of this Ordinance and the statutes of the State. The CHIEF Animal Control Officer shall also be obliged to seize and impound any rabies-suspected animal and cause the Animal to be either impounded or quarantined for examination for disease in accordance with the provisions of this Ordinance.

(H) (e) The CHIEF Animal Control Officer shall make efforts to locate and determine the number of all unlicensed dogs in Eaton County. The Animal Control Officer shall compile a list of the unlicensed dogs and deliver the list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and the statutes of the State.

(f) The Animal Control Officer is authorized and empowered in accordance with the provisions of this Ordinance to enter upon private premises (excepting entry into the private areas of buildings, unless in possession of a Search Warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or animals harbored, kept or possessed on the premises have complied with the provisions of this Ordinance. The Animal Control Officer is authorized and empowered to seize and impound any dogs for which no license has been procured in accordance with this Ordinance or for any other violation of this Ordinance. The provisions of this subsection shall include, but not be limited to, investigation of or seizure for cruelty to animals, investigating and seizing Dangerous Animals, and determining whether Exotic Animals are on the premises.

(I) (g) The CHIEF Animal Control Officer shall have the duty to inspect any kennel, a license for which has been issued by Eaton County or its authorized agents pursuant to this Ordinance and the statutes of the State, and shall have the duty to suspend the license if conditions exist which are unhealthy or inhumane to the animals kept in the kennel, pending correction of such conditions; and further shall have the duty to revoke the license if such conditions are not corrected within a reasonable period of time.

(h) The Animal Control Officer shall have the duty to investigate complaints of animals alleged to be Dangerous Animals or Vicious Animals, and shall have the right to seize, take up and impound such animals pending disposition pursuant to this Ordinance.

(J) (i) The CHIEF Animal Control Officer shall have the duty to investigate complaints of ANIMALS ALLEGED TO BE TREATED CRUELLY OR KEPT IN VIOLATION OF THIS ORDINANCE, AND MAY SEEK A COURT ORDER cruelty to or abandonment or neglect of animals and shall have the duty to seize, take up and impound any animal that has been subject to such cruelty, abandonment or neglect. The Animal Control Officer shall, when the evidence of such cruelty, abandonment or neglect is compelling, seek a warrant charging the owner of the animals with a criminal violation.

(j) The Animal Control Officer shall be responsible for coordinating with the Treasurer the sale of licenses and the keeping of appropriate records and related books of account.

(k) The CHIEF Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the SHERIFF Board of Commissioners or Eaton County Executive may from time to time provide.

5.3 5.4. Enforcing of Ordinance. The CHIEF Animal Control Officer in enforcing the provisions of this Ordinance and the statutes of the State pertaining to animals may make complaint[S] to the Eaton County Prosecuting Attorney and to the District Court in regard to any violations of this Ordinance.

5.5. Suspension or revocation of license; seizure of animals. All suspensions and revocations of licenses and all seizures and impoundment's of animals shall be in accordance with this Ordinance and with such rules and regulations as are adopted from time to time by the Board of Commissioners.

5.6. Issuing Dog Licenses; Record of Receipt. The Animal Control Officer shall maintain a record of receipts, properly numbered in sequence for accounting purposes and the issuing of dog licenses and shall issue such dog in accordance with the terms of this Ordinance.

5.4 5.7. Fees and Monies Collected. All fees and monies collected by the Animal Control Officer DIVISION shall be accounted for and turned over to the Treasurer on or before the first of each and every month, or more often if reasonably necessary, under the standard practices of the Treasurer's accounting system. Funds
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received by the Treasurer as forfeitures from the sterilization fund provided for in MCL 287.338(a) shall be maintained in a separate account to be disbursed for use by the animal control or protection shelter to finance alterations (sterilization clinics) for public education regarding the value of having dogs sterilized, or otherwise to meet the requirements of MCL 287.389(a) ACCORDING TO STATE LAW.

SECTION 6 - INVESTIGATIONS

~~6.1. Licensing. For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any agent (of the Animal Control Officer or any Police Officer) is empowered to enter upon any premises on which an animal is kept or harbored to demand the exhibition of the license by the owner or caretaker of an animal.~~

~~6.2. Cruelty. The Animal Control Officer may enter premises where an animal is kept upon reported information and belief in a cruel or inhumane manner and demand to examine the animal and seize and impound the animal when, in his or her opinion, the animal is subjected to cruel or inhumane treatment, abandonment or neglect.~~

SECTION 7 OBSTRUCTION

~~7.1. Animals Used in Law Enforcement. No person shall hinder, harass, injure, or interfere with a dog or other animal being used for law enforcement purposes by a law enforcement official.~~

SECTION 6 8 - ANIMAL CARE

~~6.1 8.1. Standard of ADEQUATE Care. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this Ordinance, WHICH 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. Any failure to comply with the provisions of this Ordinance shall constitute a violation of law and subject the owner or caregiver of an animal to the Penalty provisions of this Ordinance and shall be deemed to be prima facie evidence of criminal negligence under State law. [MCL § 750.50.].~~

~~8.2. Applicability. This Section applies to all persons who are owners, care for, or are custodians of animals, whether as individual persons or as any other legal entity.~~

~~8.3. Ownership. Any person who allows an animal habitually to remain and be lodged within his house, store, building, enclosure or premises shall be considered an Owner for purposes of this Ordinance.~~

~~6.2 8.4. Food and Water. Every owner or caregiver of an animal shall provide, ON A DAILY BASIS, the animal with sufficient good and wholesome food and water, the minimum standards of which are as follows:~~

~~(a) Sufficient food: Provisions not exceeding 24 hours of a quantity of wholesome foodstuff suitable for the animal's specific species and age and which maintains a reasonable level of nutrition.~~

~~(b) Sufficient water: Constant access to a supply of clean, fresh potable water provided at intervals not to exceed 24 hours.~~

~~6.3 8.5. Cleanliness. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.~~

~~6.4 8.6. Shelter. Every owner or caregiver of animals shall provide all animals with a PROPER shelter that shall be a structure that is ventilated and protected from excessive heat and cold and of sufficient size to permit the animals to exercise and move about freely.~~

~~6.5 8.7. Exercise. Every owner or caregiver of animals shall provide all animals with an exercise enclosure which shall be a minimum of 24 square feet in area; any owner or caregiver of an animal shall not tether the animal~~

~~by use of a choke collar or leash less than 12 feet long or of such unreasonable weight or design as to prevent the animal from moving about freely.~~

6.5 8.8. Veterinary Care. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

6.6 8.9. Abuse. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork or otherwise abuse an animal ~~or cause, instigate, participate in or permit any dogfight, cockfight or other combat between animals or between animals and humans. No person shall provide or use animals as bait or in training for dogfights, cockfights or other combat between animals or between animals and humans or otherwise violate any provision of MCL 750.49 and 750.50.~~

6.7 8.10. Abandonment and Neglect. No owner or caregiver of an animal shall abandon or neglect any animal. An animal is deemed abandoned and/or neglected if the owner or caregiver fails to properly maintain the animal ~~under the minimal standards of care set forth in this Ordinance and State law.~~

6.8 8.11. Poison. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

6.9 8.12. Disfigurement. No person, except a licensed veterinarian, shall crop an animal's ears or dock an animal's tail.

~~**8.13. Disposal.** Animals shall be disposed of in a humane manner. Under no circumstances shall an animal be killed by the Animal Control Officer or a Police Officer when away from the Animal Control Shelter, except in emergency cases or when medical help for an injured or suffering animal cannot be obtained within a reasonable period of time. This section does not apply to wild animals.~~

6.10 8.14. Housing Conditions for Multi-Animal Housing.

(a) Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from illness or injury, to contain the animals, and to restrict the entrance of other animals.

(b) Every building or enclosure where animals are maintained shall be constructed of material that can be easily cleaned and shall be kept in a clean and 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 animals and sanitation.

(c) All animal rooms, cages, kennels, and runs shall be of sufficient size to provide all animals with adequate room for exercise and general proper accommodations.

(d) All animal rooms, cages, kennels, and runs shall provide all animals with proper shelter and protection from the weather at all times, including, but not limited to, a minimum of a roofed, three-sided structure of suitable size. All animals must be provided with an area protected from the elements so as to provide a dry, clean area for the animals to rest.

~~(e) No person shall fail to provide an animal with adequate shelter any time an animal is confined in such a manner that it is unable to seek shelter, regardless of the length of time the animal is out in the weather.~~

6.11 8.15. Other Conditions. No animal shall be left without proper attention and care for more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility, the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property.

(a) No condition shall be maintained or permitted that is or could be injurious to the animals.

(b) All reasonable precautions shall be taken to protect the public from the animals and animals from the public.

(c) No person shall give an animal any alcoholic beverage or prescription drug, unless prescribed by a veterinarian.

(d) No person shall knowingly allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to each other, the animals shall be deemed not to be natural enemies.

(e) Working animals shall be given adequate rest periods WITH WATER AND SHADE PROVIDED. Confined or restrained animals shall be given PROPER exercise ~~proper for the individual animal under the particular conditions.~~

(f) No person shall work, use, or rent any animal which is malnourished, undernourished, overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit. This shall mean that if an animal is not shod, it must be provided with footing (i.e., grass, hay, wood shavings or dirt). ~~At a minimum, working animals shall be given adequate rest breaks, with water and shade provided. No animal shall be used if it appears to be lame or in distress.~~

(g) No person shall allow any animal that the Animal Control Shelter has suspended from use, to be worked or used until released by the CHIEF Animal Control Officer.

(h) All LIVESTOCK animals shall be kept under humane restraint AND NOT PERMITTED TO RUN AT LARGE.

(i) All dogs shall be kept under HUMANE restraint and shall not be permitted to be at large.

(ii) No owner shall permit a dog to leave the owner's premises unless such animal is wearing a leash and is under the positive control of a person of suitable age and discretion. The leash shall be of sufficient strength to restrain the particular animal.

(iii) While restrained by a leash, no animal shall be permitted to enter upon private property OF ANOTHER ~~other than the animal owner's~~ without the permission FROM THAT PERSON ~~of the private property owner.~~

6.12 8.16 Barking Dogs DOG. No OWNER OF A person shall own any dog SHALL PERMIT which, by loud and frequent CONTINUOUS barking, howling, or yelping, is a nuisance in the neighborhood in which DISTURBS ANOTHER PERSON ~~said dog is kept, possessed or harbored.~~

8.17. Gifts of Animals. No person shall, in a manner inconsistent with Department of Agriculture regulations, offer as a prize or give away any live animal/fowl in any contest, raffle, promotional event, lottery, or as enticement for fund raising, or for entry into any place of business.

6.13 8.18. Animals in Motor Vehicles.

(a) No person shall transport or carry any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle. If a person is transporting or carrying an animal in an unenclosed or partially enclosed vehicle (including, but not limited to convertibles, pick-up and flat-bed trucks), the person shall confine the animal in a container, case, or other device that is of proper and adequate size to prevent the animal from falling from or jumping from the motor vehicle.

(b) No person shall TRANSPORT OR leave any animal in A ~~any standing or parked~~ vehicle in such a way as to endanger the animal's health, safety or welfare, INCLUDING BUT NOT LIMITED TO DANGEROUS TEMPERATURES, LACK OF AIR, FOOD, WATER, OR PROPER CARE.

As ANY Animal Control Officer, a OR law enforcement officer and their agents EMPLOYED BY EATON COUNTY IS are authorized to use reasonable force to remove an animal from any vehicle whenever it appears that the animal's health, safety, or welfare is, or may be, endangered.

(e) ~~No person shall permit an animal to be within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including, but not limited to dangerous temperatures, lack of air, food, water or proper care.~~

(C) ~~(d)~~ No person shall carry or cause to be carried in or upon any vehicle or otherwise, any live animals having the feet or legs tied together or in any other cruel or inhumane manner or without providing suitable and humane facilities including racks, crates or cages in which such animal may stand up or lie down during transportation or while awaiting slaughter or sale.

~~8.19. Dangerous Animal and Vicious Animal Care. Every Dangerous or Vicious Animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.~~

6.14 ~~8.20.~~ Ferret Owners Responsibilities.

(A) ~~(e)~~ No person owning, possessing or having charge of any ferret shall permit a ferret to leave the owner's property unless the ferret is confined or leashed and under the direct control of the owner or a responsible person designated by the owner.

~~(a) A person who owns, or harbors a ferret that has bitten, scratched, caused abrasions or contaminated with saliva or other infectious material an open wound or mucous membrane of a human being shall report the incident within 48 hours to Animal Control or Eaton County Health Department.~~

~~(b) A person who owns or harbors a ferret that has potentially exposed a person or other animal to rabies by biting, scratching, causing abrasions or contaminating open wounds or mucous membranes with saliva or other infectious material, shall handle the ferret in accordance with current published guidelines of the Centers of Disease Control and Prevention and State law.~~

(B) ~~(d)~~ No person shall release a ferret into the wild or abandon a ferret.

SECTION 7. DEAD ANIMALS

~~7.1 ~~8.21.~~ Dead Animals. GENERAL REQUIREMENTS.~~ It shall be unlawful for an owner or caregiver, or person possessing an animal to do any of the following:

(A) ~~(b)~~ To allow the carcass of a dead animal to be left unattended and not properly disposed of. ~~for more than 24 hours of receiving a "Notice to Bury."~~

~~(B) (a)~~ To put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, ROADWAY, street, alley, lane, OR lot, field, meadow or common, unless the carcass or part(s) of the carcass is/are buried at least four (4) feet underground. Or where applicable, to a depth prescribed by township ordinance.

SECTION 9. WILD/EXOTIC ANIMALS.

~~9.1. Statutory Requirements. Anyone in possession of a Wild Animal, Exotic Animal or a crossbreed of a Wild Animal or Exotic Animal with a Domestic Animal, shall meet the requirements prescribed by Michigan Law in MCL 287.1001 et seq., the Wolf Dog Cross Act, or in MCL 287.1101 et seq., the Large Carnivore Act.~~

SECTION 10. CONFINEMENT OF ANIMAL AFTER BITING.

SECTION 8. QUARANTINE OF ANIMAL AFTER BITING A PERSON OR OTHER ANIMAL

~~8.1 ~~10.1.~~ Domesticated Companion Animal.~~ The owner of any Domesticated Companion Animal that bites a Person PERSON or other Animal ANIMAL shall ~~securely confine~~ IMMEDIATELY QUARANTINE the biting Animal inside an appropriate building or enclosure for a minimum of ten (10) days ~~immediately following the bite.~~ If the Owner of the biting Animal fails to do so, or if the Owner of the biting Animal cannot be identified or found, then the CHIEF Animal Control Officer may take possession of the Domesticated Companion Animal and ~~humanely confine~~ QUARANTINE it at the Animal Control Shelter or Animal Protection Shelter until the expiration of the ten (10) day period. ~~In this event, The Owner shall be responsible for all expenses incurred by the Animal Control Officer in gaining possession of and confining the pet for the ten (10) day period FOR THE QUARANTINE.~~ At the expiration of the ten (10) day period, if the Owner shows satisfactory evidence that the Domesticated Companion Animal is not suffering from rabies, and pays the requisite expenses, the CHIEF Animal Control Officer shall release the Domesticated Companion Animal to its Owner.

The CHIEF Animal Control Officer may IMMEDIATELY humanely destroy the Domesticated Companion Animal THAT HAS BITTEN only if the Domesticated Companion Animal is determined BY A VETERINARIAN Controller/admasst/animalcontroltaskforce/animalcontrolordinanceamended 2009-9-25

to be suffering from rabies as evidenced by the written opinion of a licensed veterinarian OR UPON REQUEST OF THE OWNER. In such a case CASES, following the humane destruction of the Domesticated Companion Animal, the CHIEF Animal Control Officer shall immediately send a sample specimen to the Michigan Department of Public Virology Laboratory in Lansing, Michigan. The Animal Control Officer shall also immediately notify the victim of the bite, or in the case of a bitten Animal, the Owner of the bitten Animal, of the veterinarian's opinion.

8.2 10.2. Animals That Are Not Domesticated. IF AN ANIMAL THAT IS NOT DOMESTICATED BITES A PERSON OR OTHER ANIMAL, AND THERE IS NO IDENTIFIABLE OWNER, THEN THE CHIEF ANIMAL CONTROL OFFICER SHALL IF POSSIBLE, HUMANELY CONFINED AND DESTROY THE ANIMAL AND IMMEDIATELY SEND THE ANIMAL OR SAMPLE SPECIMEN TO THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH VIROLOGY LAB IN LANSING, MICHIGAN. The Animal Control Officer shall securely and humanely confine in the Animal Control Shelter or its contracted agency any animal that is not kept as a Domesticated Companion Animal that bites a human or animal for the requisite ten (10) day period. If, at the expiration of this period, the animal does not display any indication that it is suffering from rabies or other sickness, the Animal Control Officer may (a) in the case of a wild animal, release it in a suitable habitat; or (b) in the case of an Exotic Animal or stray Domesticated Companion Animal, retain possession of the animal at the Animal Control Shelter where policies regarding adoption and humane destruction as set forth in this Ordinance shall apply. If, during the ten (10) day holding period, the animal displays symptoms of rabies, then the Animal Control Officer shall humanely destroy the animal and immediately send the animal or sample specimen to the Michigan Department of Public Health Virology Lab in Lansing, Michigan.

SECTION 11. ANIMAL IMPOUNDMENT, ADOPTION OR HUMANE DESTRUCTION.

SECTION 9. IMPOUNDMENT, REDEEMING AND ADOPTING ANIMALS

9.1 11.1. Impoundment by Animal Control Officer. The CHIEF Animal Control Officer may humanely seize and impound at the Animal Control Shelter, any Domesticated Companion Animal OR LIVESTOCK found running at large and not in control of its owner. If an Animal control Officer finds a THE ANIMAL IS non-vicious or non-dangerous Domesticated Companion Animal running at large, and the ITS owner of the Domesticated Companion Animal can be ascertained and is available, the CHIEF Animal Control Officer may not seize and impound the Domesticated Companion Animal, but rather, may return the Domesticated Companion Animal to its owner, and may cite the owner OF THE ANIMAL FOR ANY with a violation of this Ordinance THAT HAS OCCURRED. The CHIEF Animal Control Officer MAY ALSO shall humanely seize and impound at the Animal Control Shelter any Animal that is, within HIS OR HER the reasonable discretion of the Animal Control Officer, subject to abuse, cruelty, abandonment or neglect, and shall MAY cite the owner with a violation of this Ordinance and/or applicable state laws.

9.2 11.2. Impoundment by Citizens. Any citizen shall be empowered to temporarily take and hold any DOMESTIC animal OR LIVESTOCK THAT IS RUNNING LOOSE within plain view that, according to a reasonable person, IS IN DANGER ITSELF OR poses an imminent danger of causing serious bodily injury or death to a Person or another animal. Any such citizen shall immediately contact an EATON COUNTY Animal Control Officer WITH A DESCRIPTION OF THE ANIMAL AND LOCATION WHERE FOUND and MAY turn over the animal to the Animal Control Officer's custody. Any citizen acting reasonably and in good faith under this Section shall SHOULD not be liable for civil claims or criminal charges resulting from such actions.

9.3 11.3. Notification of Owner. Immediately after impounding an animal, if the owner of the animal can be identified by collar, license, tag or by other means, the CHIEF Animal Control Officer shall immediately notify the owner about the animal's impoundment by telephone and by first class mail. The CHIEF Animal Control Officer shall inform the owner of the steps necessary to regain custody of the animal, as set forth in Section 11.5 of this Ordinance.

(A) THE CHIEF ANIMAL CONTROL OFFICER OR A DULY RECOGNIZED SERVICE PROVIDER UNDER CONTRACT WITH EATON COUNTY MAY DISPOSE OF IMPOUNDED ANIMALS WHICH ARE NOT CLAIMED WITHIN THE STATE STATUTORY HOLDING PERIODS IN A MANNER SET FORTH BY THE TERMS OF THIS ORDINANCE.

~~11.4. Impoundment at Animal Control Shelter. Any animal seized and impounded under this Article shall be humanely confined for a minimum of seven (7) days at the Animal Control Shelter. An animal of an identified owner shall be held for a minimum of ten (10) days following the notification of the owner. If the owner of the animal cannot be ascertained or if the animal is otherwise not redeemed under subsection 11.5 of this Ordinance or adopted under subsection 11.6 of this Ordinance, then, at the expiration of the seven (7) day period for animals without an identifiable owner, or ten (10) days for animals with an identified owner, the Animal Control Officer may continue to humanely confine the animal or may humanely destroy the animal in accordance with the standards of humane euthanasia set forth in Section 5 of this Ordinance and as provided in MCL 287.279a.~~

~~Any animal voluntarily turned in to the Animal Control Shelter for the purpose of euthanasia, or any animal that is sick, injured or otherwise suffering, need not be held for the requisite time periods set forth in this Section. In such case, the Animal Control Officer may immediately humanely destroy the animal in accordance with the standards of humane euthanasia set forth in this Ordinance. The bodies of animals destroyed at the Animal Control Shelter shall be disposed of by the Animal Control Officer in accordance with State law.~~

~~The Animal Control Division shall maintain a record of when, where and under what circumstances each animal was seized. The record must also include the dates of notices sent to owners, the disposition of each animal.~~

~~9.4 11.5. Redeeming Impounded Animals. Any AN owner may redeem an animal from impoundment by executing a sworn statement of ownership, furnishing a license and tag, as required by this Ordinance and State laws and paying all expenses associated with the seizure and impoundment of the animal. The CHIEF Animal Control Officer shall not KNOWINGLY release any impounded animal to an owner who has been convicted with OF animal cruelty, abandonment or, neglect or other RELATED CRIMINAL violations of State law or of this Ordinance without a Court Order following a show cause hearing in which the owner establishes that he or she can and will own and keep the animal in a humane fashion, and in accordance with State laws and this Ordinance.~~

~~9.5 11.6. Adoption of Impounded Animals.~~

~~(A) Any A person who wishes to adopt an impounded animal THAT HAS NOT BEEN REDEEMED BY ITS OWNER must sign a sworn statement AN ADOPTION AGREEMENT THAT CONTAINS A SWORN STATEMENT that he or she will own and keep the animal in accordance with the terms of this Ordinance and State laws.~~

~~(B) , including compliance with licensing and vaccination requirements and sterilization requirements. If the animal has not been sterilized, the sworn statement must also provide that the adopted animal will be immediately sterilized or, in the case of a puppy, kitten, sick or injured animal, will be sterilized immediately after a licensed veterinarian determines that the animal is of sufficient age and health to undergo sterilization.~~

~~(C) The sworn statement must also provide that the animal will not be used for fighting or other illegal activity and will not be subjected to, sold, or otherwise used for medical or other testing or experimentation.~~

~~(D) Any person adopting an impounded animal must pay shelter, boarding and other charges associated with the seizure and impoundment of the animal prior to the release of the animal. Such charges shall be posted conspicuously at the Animal Control Shelter. ANY SUBSEQUENT FAILURE TO FOLLOW ANY OF THE TERMS OF THE ADOPTION AGREEMENT SHALL BE A VIOLATION OF THIS ORDINANCE.~~

~~(E) THE CHIEF ANIMAL CONTROL OFFICER SHALL NOT KNOWINGLY ADOPT AN ANIMAL TO A PERSON WHO HAS BEEN CONVICTED OF ANIMAL CRUELTY, ABANDONMENT, NEGLIGENCE OR OTHER RELATED CRIMINAL VIOLATIONS OF STATE LAW OR OF THIS ORDINANCE WITHOUT A COURT ORDER. THE ANIMAL CONTROL OFFICER MAY DECLINE TO ADOPT AN ANIMAL IF OTHER CIRCUMSTANCES EXIST, WHICH, IN THE OPINION OF THE ANIMAL CONTROL OFFICER WOULD ENDANGER THE HEALTH, SAFETY, OR WELFARE OF PEOPLE OR ANIMALS.~~

SECTION 12. KENNELS.

SECTION 10. KENNELS

~~10.1 12.1. Licensing. Any A person who owns, keeps or operates a kennel shall obtain a kennel license from the CHIEF Animal Control Office OFFICER. The CHIEF Animal Control Officer shall inspect all kennels.~~
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annually in accordance with THIS ORDINANCE AND State LAW of Michigan Animal Control laws. Kennels must also comply with applicable Building Code and Zoning Ordinances. The Animal Control Officer shall suspend licenses for kennels and impound animals kept in kennels whose conditions are unhealthy or inhumane or otherwise in violation of this Ordinance or State laws. At inspections, or at any other time, the Animal Control Officer may cite kennel owners for violations of this Ordinance.

10.2 12.4. Compliance with Statutes, Regulations and Ordinances. The CHIEF Animal Control Officer shall not issue to any person a kennel license TO A PERSON unless that person THEY ARE is in full compliance with this Ordinance and the laws of the State LAW of Michigan, including, but not limited to, Michigan Department of Agriculture Regulation 129 governing dog kennels, MCLA 287.261 to 287.293. The CHIEF Animal Control Officer shall not KNOWINGLY issue a kennel license to A any person who has, at any time, been convicted of animal cruelty, abuse or neglect, OR OTHER RELATED CRIMINAL VIOLATIONS OF STATE LAW OR OF THIS ORDINANCE WITHOUT except upon a Court Order. following a show cause hearing wherein the person seeking the kennel license has shown that he or she can and will run, keep and operate the kennel in a safe and humane fashion and in accordance with State laws and this Ordinance.

10.3 12.2. Exemption from Requirement for Individual Animal Licenses. Any A person who SHALL OBTAIN A KENNEL LICENSE UNDER THIS ORDINANCE IS EXEMPT FROM OBTAINING INDIVIDUAL LICENSES FOR ANIMALS REQUIRED UNDER THIS ORDINANCE owns, keeps or operates a kennel may, in lieu of obtaining individual licenses for animals required under this Ordinance, apply to the Animal Control Officer for a kennel license to own, keep or operate the kennel in accordance with applicable State laws, including MCL 287.270.

10.4 12.3. Licensing Fees. The fees for a kennel license shall be SET BY THE COUNTY BOARD OF COMMISSIONERS.

- (a) Ten dollars (\$10:00) for fewer than ten (10) dogs; Plus a twenty-dollar (\$20.00) inspection fee.
- (b) Twenty-five dollars (\$25:00) for more than ten (10) dogs; Plus a twenty-five (\$25.00) dollar inspection fee.

10.5 12.5. Humane Treatment. All kennels must be kept sanitary and provide adequate housing and humane treatment of the animals in the kennel including, but not limited to, fresh food and water daily, sufficient room and opportunity for daily exercise, protection from the elements, adequate ventilation, vaccinations against diseases and adequate veterinarian care. Any person who owns, keeps or operates a kennel is subject to the minimum standards of care and all provisions of this Ordinance in its entirety for each of the animals kept in the kennel.

12.6. Penalties. Any person who owns, keeps or operates a kennel and who fails to obtain and maintain a current kennel license shall be subject to citation for violation of this Ordinance and shall be subject to the penalty provisions of this Ordinance.

SECTION 13. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.

SECTION 11. SPECIAL PROVISIONS REGARDING VICIOUS ANIMALS.

11.1 13.1. Standards for Keeping Vicious Animals. The keeping of Vicious Animals shall be subject to the following standards.

(A) (b) **Confinement.** EXCEPT AS PROVIDED BELOW, All all Vicious Animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in paragraph (a) above. Such THE pen, kennel or structure must have secure sides and a secure top attached to its
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sides. A fenced-in yard by itself is insufficient to meet this standard. All structures used to confine such animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground to a depth of no less than two (2) feet. All structures erected to house such animals must comply with all zoning and building regulations of the City or Township where located. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. The house or shelter for said animal shall be totally enclosed within the confinement structure.

(B) ~~(e)~~ **Confinement Indoors.** No Vicious Animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacles preventing the animal from exiting the structure.

(C) ~~(a)~~ **Leash and Muzzle.** No person shall permit a Vicious Animal to go outside of its kennel, pen or the owner's residence unless such animal is securely leashed with a leash no longer than four (4) feet in length. A PERSON OF SUITABLE AGE AND CAPACITY MUST BE IN PHYSICAL CONTROL OF THE LEASH AT ALL TIMES. ~~No person shall permit such an animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such~~ THE animals may not be leashed to inanimate objects such as trees, posts, buildings, etc.

(D) In addition TO BEING ON A LEASH, WHILE BEING OUTSIDE ITS KENNEL, PEN, OR THE OWNER'S RESIDENCE, all such animals on a leash outside of the animals kennel, pen or the owner's residence must be muzzled by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(E) ~~(d)~~ **Signs.** All owners, keepers or harborers of Vicious Animals ~~within the County of Eaton shall within ten (10) days of the effective date of this Ordinance,~~ display in a prominent place on their premises a sign, easily readable by the public from adjoining public roads or streets, using such words as "*Beware of Vicious Animal*" or other appropriate warning language. In addition, a similar sign must be posted on the kennel or pen of such animal.

11.2 ~~13.2.~~ Insurance Identification and Reporting Requirements.

(a) **Insurance.** All owners, keepers or harborers of Vicious Animals must, ~~within ten (10) days of the effective date of this Ordinance,~~ provide TO THE CHIEF ANIMAL CONTROL OFFICER proof OF ~~to the County of Eaton at its Animal Control Division at the Animal Control Office,~~ liability insurance in an amount of five hundred thousand dollars (\$500,000.00) for each occurrence for bodily injury to or death of any person or persons which may result from ownership, keeping or maintenance of such animal. The insurance policy shall provide that no cancellation of the policy will be effective unless ten (10) days written notice is first given to the CHIEF Animal Control Officer at his or her business address.

(b) **Identification photographs.** All owners, keepers or harborers of Vicious Animals must, ~~within ten (10) days of the effective date of this Ordinance,~~ provide the CHIEF Animal Control Officer with two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(c) **Reporting requirements.** All owners, keepers or harborers of Vicious Animals must, within three (3) days of the following incidents, report the following in writing to the Animal Control Officer:

- (i) The removal from Eaton County or death of a Vicious Animal.
- (ii) The birth of offspring of a Vicious Animal.
- (iii) The new address of a Vicious Animal if the owner moves within Eaton County limits.
- (iv) The animal is on the loose, has been stolen or has attacked a person.

11.3 ~~13.3.~~ **Failure to Comply.** If the owner, keeper or harborer of a Vicious Animal resident within the County of Eaton fails to comply with the requirements and conditions set forth in this Section ~~and this entire Ordinance,~~ IN ADDITION TO THE OWNER BEING CITED FOR THE VIOLATIONS, the animal shall be subject to immediate seizure and impoundment and further disposition in accordance with this Ordinance.

SECTION 14. PENALTIES AND ENFORCEMENT PROCEDURES

SECTION 12. PENALTIES AND ENFORCEMENT PROCEDURES

14.1. Misdemeanor. Except as otherwise provided herein, any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars and incarceration of up to 90 days in jail.

12.1 STATE LAW OFFENSES. VIOLATIONS OF THIS ORDINANCE THAT ARE ALSO VIOLATIONS OF STATE LAW MAY BE PROSECUTED UNDER EITHER.

12.2 MUNICIPAL CIVIL INFRACTION CITATIONS. A PERSON WHO VIOLATES THIS ORDINANCE, SHALL BE DEEMED RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, THE PENALTY FOR WHICH, SHALL BE A CIVIL FINE PLUS ANY COST, DAMAGES, EXPENSES AND OTHER SANCTIONS, AS AUTHORIZED UNDER CHAPTER 87 OF 1961 PA 236, AS AMENDED, BEING MCL 600.8701 *ET SEQ.*, AND OTHER APPLICABLE LAWS.

12.3 14.3. Authorized Enforcement Officials. The CHIEF Animal Control Officer, his/HER DESIGNEES, AND deputies, and deputies of the Eaton County Sheriff, are the County officials authorized to issue municipal civil infraction citations and municipal civil infraction violation notices for violations of this Ordinance.

(A) MUNICIPAL CIVIL INFRACTIONS MAY BE ISSUED BY AN AUTHORIZED ENFORCEMENT OFFICIAL WHEN HE/SHE PERSONALLY OBSERVES THE VIOLATION. A MUNICIPAL CIVIL INFRACTION MAY ALSO BE ISSUED BY AN AUTHORIZED ENFORCEMENT OFFICIAL, WHO AFTER INVESTIGATION HAS REASONABLE CAUSE TO BELIEVE THAT A VIOLATION OCCURRED AND IT IS APPROVED BY THE PROSECUTING ATTORNEY PRIOR TO ITS ISSUANCE

12.4. SERVICE OF MUNICIPAL CIVIL INFRACTIONS. MUNICIPAL CIVIL INFRACTIONS SHOULD BE SERVED PERSONALLY IF POSSIBLE. IF PERSONAL SERVICE CANNOT READILY BE OBTAINED, MUNICIPAL CIVIL INFRACTIONS MAY BE SERVED BY FIRST CLASS MAIL. WHEN SERVED BY MAIL, THE DEFENDANT'S CORRECT NAME AND ADDRESS SHALL BE CONFIRMED PRIOR TO MAILING.

12.5. MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

(A) A MUNICIPAL CIVIL INFRACTION CITATION SHALL CONTAIN:

- (I) A DESCRIPTION OF THE VIOLATION;
- (II) THE TIME WITHIN WHICH THE ALLEGED VIOLATOR MUST CONTACT THE BUREAU FOR PURPOSES OF ADMITTING OR DENYING RESPONSIBILITY;
- (III) THE ADDRESS AND TELEPHONE NUMBER OF THE BUREAU;

(B) FURTHER, THE CITATION SHALL INFORM THE ALLEGED VIOLATOR THAT HE OR SHE MAY DO ONE OF THE FOLLOWING:

- (I) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION WITHIN THE TIME SPECIFIED FOR APPEARANCE AND PAY THE SPECIFIED FINE BY MAIL OR IN PERSON;
- (II) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION" WITHIN THE TIME SPECIFIED FOR APPEARANCE BY MAIL OR IN PERSON, OR BY REPRESENTATION; OR
- (III) DENY RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION AND REQUESTING EITHER AN INFORMAL OR FORMAL HEARING IN THE MATTER.

14.4. Adoption of a Schedule of Fines for Municipal Civil Infraction Violations. The County Board of Commissioners shall by Resolution adopt a schedule of fines for violations of this Ordinance which are municipal civil infractions, which schedule of fines may be amended by subsequent Resolution. For purposes of establishing an initial schedule of fines, the following schedule is adopted:

(a) **Fines for Municipal Civil Infraction Citations.** A person, corporation or firm who violates any provision of his Ordinance which has been designated as a municipal civil infraction, and is found responsible at the district court for a municipal civil infraction citation, shall pay a civil fine of not less than \$75 not more than \$500, plus costs and other sanctions, for each infraction.

Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense," means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance, committed by a corporation, person or firm within any 24 month period, and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense shall be as follows:

- (i) — The fine for any offense that is a repeat offense shall be no less than \$200 plus costs and other sanctions.
- (ii) — The fine for any offense that is a second repeat offense shall be no less than \$300 plus costs and other sanctions.
- (iii) — The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500 plus costs and other sanctions.

(b) **Fines for Municipal Civil Infraction Violation Notices.** A person, corporation or firm who, as a result of violating any provision of this Ordinance designated as a municipal civil infraction, receives a municipal civil infraction violation notice, upon a determination of responsibility thereon, shall pay an initial civil fine at the Eaton County Municipal Civil Infractions Violations Bureau of \$50.

- (i) — In the case of another offense within one year of the date of the initial infraction, the civil fine shall be \$75. (This shall be known as the second offense).
- (ii) — In the case of another offense within one year of the date of the second offense, the civil fine shall be \$150. (This shall be known as the third offense).
- (iii) — In the case of another offense within one year of the date of the third offense, the civil fine shall be \$500. (This shall be known as the fourth offense). All subsequent offenses shall be subject to a civil fine of \$500.

12.6 14.5. Establishment of Municipal Civil Infractions Violations Bureau. The Municipal Civil Infraction Violations Bureau, for disposition of municipal civil infractions IS THE EATON COUNTY 56A DISTRICT COURT OFFICE, 1045 INDEPENDENCE BOULEVARD, CHARLOTTE, MICHIGAN. violation notices issued under the Eaton County Animal Control Ordinance, shall be located at the Eaton County Animal Control Section of the Eaton County Sheriff's Department, 756 Courthouse Drive, Charlotte, MI 48813.

14.6. Enforcement in Civil Actions. In addition to enforcement of violations of this Ordinance as misdemeanors and municipal civil infractions, enforcement of violations of this Ordinance may be accomplished by civil action, along with any other remedies provided by law. Violation of this Ordinance is hereby declared a nuisance, per se, and adjudication of guilt for a misdemeanor or of responsibility for a municipal civil infraction violation shall not preclude other civil proceedings to abate such nuisance.

14.7. Each Violation is a Separate Offense. A violation of this Ordinance as to each animal in the care, custody or control of a person constitutes a separate offense, each separate offense being subject to the penalties

provided in this Ordinance. In all situations where penalties are provided for any act of omission, they shall be held to apply to each and every act or omission. When any act or omission is of a continuing character, each and every day's continuance of the act or omission constitutes a separate offense and a presumption of continuing harm and violation of this Ordinance, which may be separately charged and punished according to the provisions of this Ordinance.

~~14.8. State Law Offenses. A violation of State law with respect to the matters covered by this Ordinance may be prosecuted under either State law or this Ordinance.~~

12.7. FINES. A PERSON, CORPORATION OR FIRM, WHO ACCEPTS RESPONSIBILITY FOR, OR IS FOUND RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION UNDER THIS ORDINANCE, SHALL PAY A CIVIL FINE OF NOT LESS THAN \$75 AND NOT MORE THAN \$500, PLUS COSTS FOR EACH INFRACTION. A FINE SCHEDULE SHALL BE DETERMINED AND POSTED AT THE 56A DISTRICT COURT.

SECTION 15. MISCELLANEOUS.

SECTION 13. MISCELLANEOUS.

~~13.1~~ **15.1. Rules of Construction.** When not inconsistent with the context, words used in the present tense include the future and past tenses. Words in the singular include the plural and words in the plural include the singular. Masculine includes the feminine and neuter. Words or terms not defined in this Ordinance shall be interpreted in accordance with their common meaning. The words "shall" and "will" are mandatory and not merely directive. Headings are inserted for convenience and shall not limit or increase the scope of any provision or Section of this Ordinance.

~~13.2~~ **15.2. Severability.** If any part of this Ordinance shall be held unconstitutional or void, such part shall be deemed severable and its invalidity shall not affect the remaining parts of this Ordinance.

~~13.3~~ **15.3. Safety Clause.** Eaton County hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the cities of the County, the County, and the inhabitants.

SECTION 16. REPEAL AND SAVINGS CLAUSE.

SECTION 14. REPEAL AND SAVINGS CLAUSE.

~~14.1~~ **16.1. Repealer.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are repealed to the extent they are in conflict with this Ordinance. However, any and all civil and criminal actions arising out of any Ordinance repealed by this Ordinance which are pending in a court of this State, or otherwise vested on the effective date of this Ordinance shall not abate and shall be saved and may proceed to conclusion pursuant to the terms of the repealed Ordinance.

SECTION 17. ADOPTION OF ORDINANCE.

SECTION 15. ADOPTION OF ORDINANCE.

~~15.1~~ **17.1 Adoption; Effective Date.** This Ordinance shall be adopted only after a majority of the Commissioners elected and serving shall vote in favor of its adoption. The Clerk of the Board of Commissioners shall then endorse
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this Ordinance and the Chairperson of the County Board of Commissioners shall sign this Ordinance, which shall then be certified by the Clerk before it is considered adopted. This Ordinance shall then take effect seven (7) days after the date that it is published in a newspaper of general circulation in Eaton County. The County Clerk shall certify the publication.

Effective (date) _____

Chairman, Board of Commissioners

Clerk, Board of Commissioners

I, _____, Clerk of the Circuit Court for said County of Eaton do hereby certify that the foregoing is a true copy of a record now remaining in the Office of the Clerk of said County and Court. IN testimony whereof, I have hereunto set my hand, and affixed the seal of said Court and County, at the City of Charlotte, this _____ day of _____ AD, 2009.

BY

Clerk

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

RESOLUTION TO APPROVE ACCEPTABLE USE POLICY AMENDMENT

Introduced by the Information Technology & Communication Committee

Commissioner Osieczonek moved the approval of the following resolution. Seconded by Commissioner Brunette.

WHEREAS, the Board of Commissioners has adopted an Acceptable Use Policy for employees; and

WHEREAS, the Information Technology and Communication Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted acceptable use policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Acceptable Use policy, effective immediately, and

BE IT FURTHER RESOLVED, that this policy supersedes all previous versions of the County's Acceptable Use policy. Carried.

Acceptable Use Policy

1.0 Overview

This Acceptable Use Policy demonstrates a commitment to protecting the county's technology assets and access to digital data that is collected, stored, analyzed, and reported upon by employees throughout the county.

County computer networks, including all host and server systems, locally or externally operated, are the property of Eaton County. These systems are to be used for business purposes in serving the interests of the county in the course of its business operations.

Effectively securing our technology assets and digital data is an obligation of every employee who uses any component parts of the computer network. Therefore, employees must understand the impacts these guidelines have on their use of the network.

2.0 Purpose

The purpose of this policy is to broadly outline acceptable use of any and all computer networks and individualized systems like personal computers, laptops, and mobile devices. Inappropriate use exposes both the county and the employee to risks that include disruptions in work processes resulting from computer viruses. Additional concerns include unauthorized access and/or the transfer of digital data and identify theft.

This policy shall be influenced by the requirements of the *Michigan Criminal Justice Information System Guidelines* that mandate certain requirements as they relate to LEIN/NCIC.

3.0 Scope

This policy applies to all employees and all technology assets (servers, PCs, laptops, mobile devices, and so on) that are owned or leased by the county.

4.0 Policy

4.1 General Use and Ownership

1. Digital data created and stored in any computer system is the property of the county. Employees shall not copy or otherwise transfer files created during the course of their employment to a personally owned fixed or removable storage device, Internet-based storage service (i.e., cloud storage) without approval from the highest ranking elected or appointed official responsible for administration and oversight of the digital data's use, storage, analysis and reporting.
2. Digital data files, including databases, word-processing files, spreadsheet files, and similar universally accepted file formats, created during the course of an employee's official duties, shall be stored on the county's computer network to ensure protection, retention, and ongoing access to the files.

3. The Director of Information Systems, or designee, shall regularly monitor and evaluate use and security of all component systems that make up the entire county network and shall do so in accordance with the previously adopted **Audit Policy**. Networks and systems may be audited on a regular basis to ensure compliance with this and other information technology policies adopted by the Board of Commissioners.

4.2 Security and Proprietary Information

1. Employees should take all necessary steps to prevent unauthorized access to county digital data by anyone not authorized to access the data.
2. Keep network and system login credentials (user Id and password) secure and do not share this information with anyone lacking authorization (i.e., an employee in a department not related to your own). Employees are required to periodically change their password(s). See the county's **Password Policy** for more information.
3. Employees are encouraged to logoff from their personal computer, laptop, or mobile device when not in use.
4. Because information contained on laptops and other mobile devices is especially vulnerable to loss, special care should be exercised when using these systems when working from remote locations.
5. All network servers, personal computers, laptops, and related devices shall continually execute an approved virus protection program. Because these programs cannot guarantee a virus will not infect a computer, employees shall continually exercise caution when sharing files, downloading files, connecting to the Internet, and other service-oriented sites.
6. Employees shall not use their county e-mail account for a non-county enterprise such as Barnes and Noble, Groupon, Facebook, and many other enterprises unless it is explicitly related to their job responsibilities as defined and approved by their supervisor.

4.3. Unacceptable Use

The following activities are prohibited. Employees may be exempted from these restrictions as approved by the Board of Commissioners, County Controller, Director of Information Systems or other legitimate authority. However, no exemption shall be allowed one or more parties can show the exemption would be detrimental to the operational "welfare" of the county's computer network.

The lists below are by no means exhaustive. Rather, they attempt to provide a framework for activities which fall into the category of unacceptable use.

General

1. Under no circumstances is an employee authorized to engage in any activity that is illegal (under local, state, federal or international law) or deemed to be inappropriate or immoral by the Board of Commissioners.

Technical

1. Violations of the rights of any person or organization protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Eaton County. See also the *Resolution to Comply with Software Licensing Agreements to Ensure Legal Software Use.*
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the county or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. Appropriate management should be consulted prior to exporting any material that is in question.
4. Introduction of malicious programs into the network, servers, personal computers, laptops, mobile devices, and related devices.
5. Allowing use of your network account and/or password by other individuals not specifically authorized by the employee's supervisor to use the account.
6. Using a computer to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws.
7. Making fraudulent offers of products, items, or services originating from any county e-mail account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions (such as denial of service) of network, servers, personal computers, laptops, and mobile devices. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a computer that the employee is not expressly authorized to access.
10. Port scanning or security scanning is expressly prohibited unless prior notification to the county is made and the Director of Information Systems authorizes such scanning to occur.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host or server system, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any network or system access account.

13. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, an employee's computer system.
14. Sending unsolicited e-mail messages, including the sending of "junk mail" and "chain letters" or other advertising material to individuals who did not specifically request such material (this is e-mail spamming).
15. Any form of harassment via e-mail, telephone or paging, whether through the use of language, frequency of occurrence, or size of messages.
16. Unauthorized use, or forging, of e-mail header information.

See the **Electronic Mail Policy** for additional information.

4.0 Enforcement

Employees found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

6.0 Definitions

Term	Definition
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<i>Spam[ming]</i>	Unauthorized and/or unsolicited electronic mass mailings.
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7.0 Revision History

This policy update supersedes the Acceptable Use Policy previously adopted by the Board of Commissioners.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

RESOLUTION TO APPROVE PASSWORD POLICY AMENDMENT

Introduced by the Information Technology & Communication Committee

Commissioner Osieczonek moved the approval of the following resolution. Seconded by Commissioner Brunette.

WHEREAS, the Board of Commissioners has adopted an Password Policy for employees; and

WHEREAS, the Information Technology and Communication Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted acceptable use policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Password policy, effective immediately, and

BE IT FURTHER RESOLVED, that this policy supersedes all previous versions of the County's Password policy. Carried.

Password Policy

1.0 Overview

Passwords are an important aspect of computer security. They are the front line of protection for all of our respective access accounts. A poorly chosen password may result in an entire computer network being compromised. As such, all employees are responsible for taking the appropriate steps, as outlined below, to establish strong passwords and to protect these passwords from unauthorized access by other employees and third-parties.

2.0 Purpose

The purpose of this policy is to establish guidelines for creation of strong passwords, the protection of those passwords, and the frequency of change required to insure the integrity of county computer network and individual systems.

3.0 Scope

The scope of this policy includes all employees who have access to one or more computer systems, network, and other technology devices.

4.0 Policy

4.1 General

- All network and system-level administrative passwords will be prompted for a reset every 90 days. Passwords may not be reused for a minimum of reset cycles (i.e., 270 days).
- All user-level passwords will be prompted for a reset every 180 days. Where employees are able to perform this action themselves, they must do so in compliance with this policy.
- Employees are strongly urged not to include passwords in email messages or other forms of electronic communication.
- For technical purposes, employees are classified into one of three categories depending on their level of access to various computer systems. These levels, and some basic guidelines, are:
 - System Administrators – employees have the authority to create new user accounts, assign passwords and other administrative functions within a computer network, system or software.
 - Passwords will generally follow the guidelines contained in this policy.
 - LEIN/NCIC User – employees have access to computer systems and are authorized to access one or more law enforcement networks like LEIN/NCIC.
 - Passwords will generally follow the guidelines contained in this policy but may be superseded by specific requirements from the

Michigan Criminal Justice Information System Guidelines, as it relates to LEIN/NCIC.

- **General User** – employees do not meet the criteria for either system administrator or LEIN/NCIC user.
 - Passwords will generally follow the guidelines contained in this policy.

4.2 Guidelines

Strong passwords have the following characteristics:

- Passwords are six or more characters in length. Maximum of 10 characters.
- Contain both upper and lower case characters (e.g., a-z, A-Z) where appropriate.
- Have digits and punctuation characters as well as letters e.g., 0-9, !@#\$%^&*()_+|~=-\`{}[]:";'<>?,./).
- Are alphanumeric characters.
- Is not a common word in any language, slang, dialect, jargon, etc.
- Are not based on personal information, such as names of family members.

Passwords should never be written down and accessible to other individuals. Try to create passwords that can be easily remembered. One way to do this is to create a password based on a song title, affirmation, or other phrase. For example, the phrase might be: "This May Be One Way To Remember" and the password could be: "TmB1w2R" or some other variation.

Poor (or weak) password creation has the following characteristics:

- The password contains less than six characters.
- The password is a word found in a dictionary (English or foreign).
- The password is a common usage word such as:
 - Names of family members, pets, friends, co-workers, fantasy characters, etc.
 - Computer terms and names, commands, sites, companies, hardware, software.
 - Birthdays and other personal information such as addresses and phone numbers.
 - Word or number patterns like aaabbb, qwerty, zyxwvuts, 123321, etc.
 - Any of the above preceded or followed by a digit (e.g., secret1, 1secret).

B. Password Protection Standards

Do not use the same password for both county and non-county accounts (personal accounts like eBay, home banking, and Barnes and Noble).

All passwords are to be treated as confidential.

Here is a list of "don'ts":

- Don't reveal a password over the phone or e-mail except to an authorized requester (someone you know). You are then responsible for changing the password immediately thereafter and/or notifying the Information Systems Department to assist with required changes.
- Don't talk about a password in front of others.
- Don't hint at the format of a password (e.g., "my family name").
- Don't reveal a password on questionnaires or security forms.
- Don't share a password with family members.
- Don't reveal a password to co-workers while on vacation.

If you have any doubts about someone demanding a password, refer them to your supervisor or have them contact the Information Systems Department.

Do not use the "Remember Password" feature of applications like Internet Explorer, Netscape, Eudora, Outlook, etc. MS-Windows will then store your password on the local disk drive of your computer making it available for discovery by an intrusive software program.

If an account or password is suspected to have been compromised, report the incident to the Information Systems Department and request assistance with changing all passwords.

C. Application Development Standards

Application developers (programmers) must ensure their programs contain the following security precautions where applicable. Applications:

- should support authentication of individual users, minimize use of groups where appropriate.
- should not store passwords in clear text or in any easily reversible form.
- should provide for some sort of role management, such that one user can take over the functions of another without having to know the other's password.

D. Passphrases (*applicable in some instances*)

Passphrases are generally used for public/private key authentication such as with wireless networks. A public/private key system defines a mathematical relationship between the public key that is known by all, and the private key, that is known only to the user. Without the passphrase to "unlock" the private key, the user cannot gain access.

A passphrase is a longer version of a password and is, therefore, more secure. A passphrase is typically composed of multiple words. Because of this, a passphrase is

more secure against "dictionary attacks" - an attack that uses words from the dictionary to try and determine your password.

A good passphrase is relatively long and contains a combination of upper and lowercase letters and numeric and punctuation characters. An example of a good passphrase:

"The h0r\$e was 1 of m@ny r@c@ng thr0ugh the w00d\$"

4.0 Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. The Information Systems Department may perform a routine audit to determine compliance.

6.0 Definitions

Terms

Definitions

LEIN

Law Enforcement Information Network

NCIC

National Crime Information Center

7.0 Revision History

This policy supersedes the Password Policy previously adopted by the Board of Commissioners.



EATON COUNTY COMMUNITY DEVELOPMENT & HOUSING DEPARTMENT
1045 INDEPENDENCE BLVD.
CHARLOTTE, MI 48813
(517) 543-3689 Fax: (517) 543-8457

December 22, 2011

**RE: Eaton County Master Plan Public Review and Comment Period
and Notice of Public Hearing**

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 as amended), the following amendments proposed to the Eaton County Master Plan are required to be sent to your agency by statute.

The purpose of the amendment is to provide language and mapping for the inclusion/addition of Bellevue Township to the Eaton County Master Plan. Changes are proposed to the following as shown by strike through:

Page 10, paragraph 5:

Planning Area

The planning area for this Master Plan is all land within Eaton County excluding, the portion of the City of Lansing, Delta, Windsor and Oneida Charter Townships ~~and Bellevue Township.~~

Page 13, paragraph 4:

Within Eaton County's approximate 580 square miles are twenty-seven (27) units of government including, six (6) cities (including part of Lansing), five (5) villages and sixteen (16) townships. Eaton County has planning and zoning jurisdiction over all the unincorporated areas within the county, which excludes the Charter Township's of Delta, Oneida, Windsor ~~and Bellevue Township.~~

Additionally attached are the proposed amended Eaton County Future Land Use Map and Agricultural Preservation Map which now include Bellevue Township.

These materials are also available on our website at www.eatoncounty.org under the Community Development Department tab. If you desire a paper copy of the full document or would like to view it, please contact the Community Development Department at 517-543-3689 Monday - Friday 8:00 a.m. to 5:00 p.m.

All local governments and other entities receiving a copy of this master plan amendment have 63 days from receipt for review and comment. Every effort has been made for this draft to be delivered to your office by December 28, 2011. Consequently, the review period for this Plan ends on February 29, 2012.

Comments are welcome and may be submitted on or before February 29, 2012 to:

Eaton County Community Development
1045 Independence Blvd
Charlotte, MI 48813
or by e-mail to: commdev@eatoncounty.org

This letter is also to serve as **Notice of a Public Hearing** of the Eaton County Planning Commission on the plan amendment to be held March 6, 2012 at 7 p.m. at the Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Sincerely,

Claudine Hannold, Director
Eaton County Community Development
on behalf of Eaton County Planning Commission Secretary, Michelle Stahl

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

**RESOLUTION TO DECREASE THE MEMBERSHIP
OF THE EATON COUNTY ROAD COMMISSION**

Introduced by the Public Works and Planning Committee

Commissioner Baker moved the approval of the following resolution. Seconded by Commissioner Eakin. Roll Call Vote. Ayes; Mulder, Hoffman, Brunette, Osieczonek, Boles, Eakin, Barr, Whittum, Colestock, Forell. Nays; Hosey, Freeman, Brehler, Ridge, Baker.

WHEREAS, the Eaton County Board of Road Commissioners currently has five (5) Road Commissioners as provided for by MCL 224.6; and

WHEREAS, effective January 3, 2007, MCL 224.6 grants the Eaton County Board of Commissioners the discretion and authority to decrease the number of Road Commissioners to a total of three (3) Road Commissioners; and

WHEREAS, on December 21, 2011, the Eaton County Board of Commissioners held a Public Hearing on whether to decrease the number of Road Commissioners from five (5) to three (3), a Notice of the Public Hearing having been properly published/posted at least 28 days before the Public Hearing; and

NOW, THEREFORE BE IT RESOLVED, that the Eaton County Board of Commissioners does hereby decrease the number of Road Commissioners on the Eaton County Board of Road Commissioners from five (5) to three (3); and

BE IT FURTHER RESOLVED, that each of the two (2) Road Commissioner's terms of office expiring on December 31, 2011 and December 31, 2012, respectively, shall be eliminated upon the expiration of those terms so that as a result on January 1, 2013 the size of the appointed Board of Road Commissions shall be three (3). Carried.

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

RESOLUTION TO APPROVE 2012 PERSONNEL POLICY REVISIONS

Introduced by the Ways & Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Eakin.

WHEREAS, the Board of Commissioners has adopted a Personnel Policy for employees; and

WHEREAS, the Ways & Means Committee has reviewed and is recommending approval of the proposed revisions to the previously adopted personnel policy, to be effective January 1, 2012; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners approves the revisions to the Personnel Policy, effective January 1, 2012, as presented. Carried.

Commissioner Mulder moved the approval of the interlocal agreement. Seconded by Commissioner Whittum.



EATON COUNTY OFFICE OF THE SHERIFF

Inter-Local Agreement for Special Police Services

This Contract is entered into by and between The Township of Oneida, Michigan (Hereafter referred to as the Township), and The Eaton County Sheriff's Office and The Eaton County Board of Commissioners (Hereafter referred to as The Sheriff's Office). The term of this Agreement shall begin on January 1, 2012, and shall continue through its termination date of December 31, 2012.

With Approval of the Oneida Township Board of Trustees and the Eaton County Board of Commissioners. The specific terms of this Contract are as follows:

1. The Township will allocate the sum of \$45,000.00, payable in equal monthly installments, for Special Police Services within the boundaries of the Township during the contract period.
2. Fully sworn, uniformed members of the Sheriff's Office, in a patrol car will be assigned to Oneida Twp and provide enforcement of state laws and Oneida Township Ordinances within the Township an average of 17 hours per week during the contract period.
3. In consideration of this agreement, the Township agrees that it shall pay the County of Eaton the Sum of \$50.00 per hour to cover overtime wages & benefits and vehicle operation costs for all hours when a Deputy performing under this Contract is entitled to overtime benefits under Eaton County's personnel policies.
4. It is understood, the Sheriff's Office may seek reimbursement from the Township for the actual cost of any hours a Deputy is subpoenaed to court on an enforcement action taken while on special assignment to the Township.
5. As necessary, violations of Oneida Ordinances will be prosecuted at Township expense by the Township Attorney. The Township may seek recovery of all costs of prosecution from violators of Township Ordinances under the Victims Rights Act, the Municipal Civil Infraction Act or other applicable laws.
6. The Sheriff's Office will provide the Township an incident report of enforcement action taken in the Township, along with copies of all citations or warnings issued.
7. Deputies assigned to patrol Oneida Township in accordance with this agreement shall be considered employees of Eaton County for all purposes and not employees of Oneida Township. Eaton County shall remain liable for the activities of the officers assigned to patrol Oneida Township under this Contract as if they were acting within their usual role as Eaton County Sheriff's Deputies.
8. Either party may terminate this Contract by providing 30 days written notice to the other party. In the event of early termination of this agreement, any remaining sums payable under this agreement shall be prorated to the date that services are discontinued.
9. This Contract shall be construed in accordance with the laws of the State of Michigan. Any dispute regarding this agreement shall be brought in the Eaton County Circuit Court.

This Contract may not be modified in any manner unless in writing and signed by both Parties. This document and any attachments hereto constitute the entire agreement between the Parties. This Contract shall be binding upon the Parties, their successors, heirs and assignees and shall be enforced under the laws of the State of Michigan.

Carried.

For Oneida Township,

For Eaton County Sheriff's Office,

For the County of Eaton,

Donald F. Cooley

Michael D. Raines

John Forell

Oneida Twp. Supervisor

Eaton County Sheriff

Chairman, Board of Commissioners

Date: _____

Date: _____

Date: _____

EATON COUNTY BOARD OF COMMISSIONERS

DECEMBER 21, 2011

**RESOLUTION TO APPROVE INTERIM AGREEMENT
FOR THE OPERATION OF THE YOUTH FACILITY**

Introduced by the Ways and Means Committee

Commissioner Mulder moved the approval of the following resolution. Seconded by Commissioner Eakin.

WHEREAS, the Board previously adopted an agreement to allow the Youth Facility to continue to be operated under the direction of the Family Division of the Circuit Court; and

WHEREAS, such agreement expires December 31, 2011; and

WHEREAS, the Ways and Means Committee has reviewed the operation of the Youth Facility over the past year and feels that it should remain under the operation of the Family Division of the Circuit Court.

NOW THEREFORE BE IT RESOLVED, that the Agreement be extended for another year to expire on December 31, 2012. Prior to such time, it will be reviewed again by the Ways and Means Committee. Carried.