

"Menominee – Where the best of Michigan begins"

MENOMINEE COUNTY BOARD OF COMMISSIONERS

*Menominee County Courthouse
839 10th Avenue
Menominee, Michigan 49858*

*Brian R. Bousley - County Administrator
Sherry DuPont - Administrative Assistant
Telephone: (906) 863-7779 or 863-9648
Fax: (906) 863-8839*

MENOMINEE COUNTY PERSONNEL COMMITTEE MEETING

~A QUORUM OF THE BOARD MAY BE PRESENT~

DATE: Friday ~ July 31, 2015
TIME: 8:30 AM
PLACE: Menominee County Courthouse ~ Administrative Office

*******AMENDED ~ AGENDA*******

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Meeting Minutes
March 6, 2015
6. Public Comment *(Statements, not debate, limited to 5 minutes per person on agenda items only)*
7. Business
 - a. County Treasurer - DMG wage and classification- all Treas. Office positions
 - b. **County Clerk** – DMG wage and classification – Records & Payroll Clerk position and Co. Clerk – Circuit/Family Court position
 - c. Elected official salary discussion
 - d. Prosecuting Attorney – Budget request – One Part time “Secretary/Computer Operator” position to a full time position.
 - e. Friend of the Court – Budget request - Add one full time “Case worker” position
 - f. Sheriff Dept. (Corrections) – Budget request – Move one part time corrections officer to full time, and add one full time corrections officer (security) to replace two part time positions.
 - g. Sheriff Dept. – Animal control enforcement; personnel or contract discussion
8. Public Comment
9. Commissioner Comment *(limited to 5 minutes)*
10. Adjournment

*Bernie Lang Charlie Meintz - Chairperson Larry Schei - Vice Chairperson James Furlong
Raymond Williams John Nelson William Cech Gerald Piche Jan Hafeman*

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Menominee County Personnel Committee
Minutes of Meeting
March 6, 2015

*****DRAFT*****

The Personnel Committee met on March 6, 2015 at 11:00 AM at the Menominee County Courthouse, Administrative Office – moved to the Jury Room on 3rd floor.

Present at the meeting were Coms. Lang, Piche, Williams, Furlong and Brian Bousley & Sherry DuPont. Other members of the public.

Call Meeting to order: Chairperson Furlong called the meeting to order at 11:00 AM.

Pledge of Allegiance: The Pledge of Allegiance was recited

Roll Call: Roll call was taken; all Commissioners are present.

Agenda was approved by Com. Piche and supported by Com. Williams to approve the agenda as written. Motion approved 4/0.

Previous Meeting minutes: Previous minutes from 8/21/2014 were approved. Moved by Com. Williams and seconded by Com. Lang 4/0.

Public Comment: None

Business:

- a. **Menominee County DMG wage and Classification plan:** Bousley: Sherry did a lot of digging on this. Basically what happened, back in 2001 the county went through a DMG study...all employees were listed with salary Grades of 1-25 and steps 1-6. We've found two different DMG pay scales. The one approved by the board for employees and another listed as "Department Head" employees. (*Emergency Management Coordinator, E911 Director, Friend of the Court, Undersheriff, Building & Grounds/Parks Superintendent, Equalization Director, & Asst. Prosecuting Attorney*). We could find no evidence of a "department head" pay scale ever being approved. The original DMG was approved 9.24.2001. Due to the DMG being created on a 35 hour work week, and our people were, at that time, working 40 hour work weeks, the Board approved (9.16.2002) a 9.1% pay increase to compensate for the correction in time worked. The only reference that we found that ever mentioned the "department head" pay scale was 8.22.2005 when Peggy Schroud was hired.
DuPont: Basically what we're saying is, the only thing that we found evidence of ever being approved by the County board is the "original" DMG. We never found any evidence of the "department head" DMG being approved by the board, anywhere. The motion of the

hiring of Peggy Schroud is the only evidence of the "department head" DMG payscale. Furlong: When was the original DMG payscale done? DuPont: The first one was beginning on Oct. 1, 2001. Then in September of 2002 the 9.1% increase was added. Oct. 1, 2002 was the first year I found evidence of the DH payscale. This is the scale that the department heads followed beginning 10.1.2002...but we found no evidence of this ever being approved. Their individual contracts said they would start following the DMG beginning 10.1.2002, however they fell into the "Department Head" DMG payscale, not the one approved by the board. Furlong: We've been going with this payscale since 2002. Where did this come up? DuPont: It came up with the FOC. We have a union employee going into a department head position. Currently that employee is a grade 10 step 6 (\$22.95/hr.) To become the FOC, that person would, under normal circumstances, fall into the department head pay scale under grade 14 step 1. (\$22.20). So as you see, we have an issue. The department head would be making less money than the highest paid employee. Furlong: Well I can see where we have a problem here. In order to fix the problem for all of the people effected. We're looking at a 9.1% pay raise. Bousley: We're looking at \$1.91 to 2.80/hr. for everyone to jump into the DMG study and out of the "DH" DMG. Bousley: I did speak to Stoker about this. He asked if it was done deliberately, I said not that we can find, no. We really don't know what happened. His suggestion was to have a new DMG study done on those department heads. I told him that they already have their pay grades, I don't see where we'd have to do a new DMG Study.

Jodie Barrette: The step increases, Judge Barglind appoints me. She can decide where to place me on the payscale up to a level three depending on how she feels my experience is. Furlong: Why can't she put you in at a level six? Barrette: Because your personnel manual says you can hire with at least a 3% higher pay rate than their current pay rate. The problem with that is, if she would have appointed someone from outside, that person would be making less money than the highest paid employee in that department. Which is a clear red flag...so we wondered about that. The Second thing. The caseworker that replaced me is making a grade 10 step 1 salary. She is making more money/hr. than the Emergency Services department head, whom is a grade 10 step 1. It doesn't make any sense. The contracted department heads (appointed people) were, in 2001, all on their own contracts which said they would follow the DMG for the next few years until they fall out of contract. During that timeframe we discovered that the numbers were based on counties that were on a 35 to 37.5 hr/work week, so when you say pay raise, that's not really true. It's not a pay raise, we're just asking to be paid based on a 40 hr. work week. When those department heads fell out of contract, there was already, I assume that DH DMG list of employees; those positions listed are those who were on contracts, it's not a separate study. I assume as every year, people with the contracts got increases...the list was just increased from year to year. It was never really noticed until you put them side by side that the "DH" list never received the 9.1% increase. It's not a separate study. Lang: This was all routine business in those days. I think this was an honest occurrence of events, it's hard to straighten out now, but we'll have to try to flatten out somehow. Furlong: It's not going to be hard to straighten out, but it'll be very costly. The people that were classified under the DH DMG, what do we do with them, up to this point? Lang: I never was aware there were two DMG's. Furlong: Apparently no one else did either. They happily worked their 37 hour work week under the 40 hour rule. DuPont: We spoke with the previous administrator and he said that it (the DH DMG) was in play when he came, so it was always followed

and increased from year to year based on the % increases approved by the board. Furlong: The question is now, how do we fix it? Bousley: We did have a discussion at the department head meeting this morning. We have to fix it moving forward. The thing is, how do we do that? Will the board approve a one lump sum across the board, will they approve it a few years out? I think the sooner the better. Lang: Do we settle this on a one year basis...or do we go back retroactive? Bousley: I don't know if we can go retroactive. It wasn't a...Renee is retiring, she'll be shortchanged three years pay for retirement purposes. Renee Herrild: My last three years will be shorted. I virtually worked 35 hrs/wk putting in 50 hours a week most of the time without saying a word. I feel really hurt by this. Schroud: And I started in 2005 so I have 9.5 years that should have been going toward my retirement. Furlong: We obviously have a problem with this payscale and the two DMG's. In order to fix the problem we need to put everyone into the one DMG. At the other end of the coin, we didn't create this problem. In good faith, the employees went along with the program and agreed to their pay. To look back at retroactivity, and everyone going back to 2002, that's just opening a can of worms. We have a problem my feeling is, lets fix the problem in one lump sum. But as far as going back and find out who was under this scale and that scale. That should have been the employee's job. You have to take care of yourself somewhere along the line. As far as retroactivity, I'm not for that, but I am for fixing the problem. Lang: Once we acknowledge a problem, is that attitude the last word on the subject, or is there room for discussion...Furlong: In my opinion, in order to solve the problem would be to make the adjustments in one lump sum. Get everyone out of the DMG that doesn't really exist and put everyone where they're supposed to be on one DMG. Herrild: According to the fair labor standards act, you are required to pay back wages for two years or three years. If done willfully, three years. Furlong: I've dealt with the Fair labor standards act. If this was done willfully, I would be all for fixing it. Just like I'm saying right now, we have to fix this so we don't willfully continue doing the same things wrong over and over again. But I'm also a firm believer that, we as an individual have to take care of ourselves a little bit. If the individual didn't catch it and the county didn't willfully do it, I would have to say I'm sorry. Today we've identified a problem; if we continue with the same problem, then we have a willful act of disregarding our policy and procedure in moving forward would be detrimental to the employees. Barrette: Why does it take board approval, it's obvious it's a mistake, you're just prolonging it. Furlong: The county board consists of nine people, this is just a partial representation of the board, we bring our recommendation to the full board and hope the full board accepts our recommendation and moves forward. Herrild: Our boss, Judge Barglind signed a personnel action form to fix my wages according to the correct DMG effective Dec. 21, 2014 and also fixed Jodies' when she became interim. Brian says he can't sign it, why would that be, I don't understand that. If our judge says, this is what I want the wages to be, why isn't that form being signed? Furlong: that's why we're here today, because there's a big question on the DMG. The only way for Brian to fix the problem is to go through County Board action. Barrette: But even according to the fair labor standards act, you don't want to go back the two years? Furlong: No, my opinion, it wasn't a willful disregard of policy and procedures. Bousley: I'll check with Stoker on this. Piche: I'm a little out in the cold here, but learning. Furlong: Does anyone have a solution? Williams: I agree we need to go to one DMG. Furlong: Let's make a motion to adopt one county wide DMG. Recommend to the County Board to adopt one county wide DMG. Also, put in the motion that the discrepancy of

hours worked and paid goes back two years for the affected employees. Bousley: OK let's go with two motions. One to adopt the county wide DMG and the second to address the six employees go back two years. Now we have past employees that no longer work for us, what do we do with them? Com. Williams recommends to the CB that we disregard the DH DMG and put all of our employees under the county wide DMG supported by Com. Lang. all commissioners concur. Piche recommends that the six positions currently held under the DH DMG to be moved to the county wide DMG approved above and according to the Fair Labor Standards Act, will be compensated for two years of recovery of back pay for the six employees. (*Emergency Management Coordinator, E911 Director, Friend of the Court, Undersheriff, Building & Grounds/Parks Superintendent, Equalization Director, & Asst. Prosecuting Attorney*) supported by Com. Williams. All commissioners concur. Bousley: Where will the money come from? Piche: it should be up to the Finance committee to figure out where the \$ come from?

Public Comment: Barrette: Thank you for all of your hard work, Sherry and Brian and the board for understanding.

Commissioner Comment: Lang: I'm surprised we came to a tentative solution this easy, I thought it would be a bigger problem. Williams: I don't know if it's that difficult of a solution, the solution seemed to stare us in the face relatively easy, one DMG. Furlong: When I first heard about the problem, I was a bit perplexed, up until today, I was against any type of back pay, but I was totally unaware that Jodie was taking a pay cut in order to take a promotion. That to me, the problem is real, it's today and we have to do something about it. In my opinion, the department head has the responsibility of managing the employees and that person should not be paid less than the highest paid person in their department. Piche: We have Brian and Sherry, I guess the county board should be the leader, but they're the ones being paid to help solve the problem, keep things running smooth. They see it every day. I'd like to ask Sherry and Brian if they're comfortable with what we're thinking. Bousley: This is something that we knew, when it was brought up, was going to be a mess but it needed to be cleaned up. The county will feel a little bit in their pocketbook, but it's the right thing to do. DuPont: I feel the same way. I've never found evidence of the DH payscale being approved by any board, I feel it shouldn't be there, nor should it have ever been. So to put them all into the payscale that they should have been in all along, is the right thing to do. Furlong: We need to start looking at the personnel manual. So if the Admin. staff could be sure all members get a copy and start making changes according to what we currently do within the county, then we can bring it back to the board for discussion of changes.

Adjourn: Moved by Com. Lang supported by Com. Williams to adjourn the meeting at 11:48 A.M. Motion approved 4/0.

APPENDIX A

**MENOMINEE COUNTY
JOB CLASSIFICATION LIST – GRADE ORDER
2.0% ON 01/01/15**

Effective 2/1/15

5	26,561 \$12.77 <i>12.76</i>	27,622 \$13.28	28,683 \$13.79	29,723 \$14.29 <i>14.30</i>	30,764 \$14.80 <i>14.81</i>	31,844 \$15.31 <i>15.32</i>	
6	29,203 \$14.04	30,388 \$14.81 <i>14.80</i>	31,553 \$15.17 <i>15.16</i>	32,879 \$15.72	33,862 \$16.28	35,027 \$16.84	1904 Computer Operator/Clerk (FOC) 1203 Park Ranger (parks) 1203 Maintenance Attendant 1308 Dep. Treasurer & Receipts (treas)
7	31,824 \$15.30 <i>15.31</i>	33,113 \$15.92	34,403 \$16.54 <i>16.53</i>	35,672 \$17.15	36,940 \$17.76	38,209 \$18.37	1903 Computer Operator/Secretary (FOC) 1308 Dep. City Clerk-Circuit/Family Ct (clerk) 1304 Records and Payroll (clerk) 1307 Dep. Register of Deeds (register of deeds) 2203 Dep. Register of Probate (prob/fam ct) 2204 Dep. Register of Probate/Juvenile (prob/fam ct) 1801 Extension Secretary/Extension Fair Manager (ext) 1702 Staff Cartographer – Tax Bill Coordinator
8	34,507 \$16.59 <i>16.58</i>	35,860 \$17.25	37,252 \$17.91	38,625 \$18.57	40,019 \$19.24	41,392 \$19.90	2501 Veterans Service Officer 2403 Dep. Treasurer - Taxes (treas) 2404 Dep. Treasurer – Accounting (treas)
9	37,148 \$17.86 <i>17.85</i>	38,604 \$18.56 <i>18.59</i>	40,102 \$19.28	41,579 \$19.99 <i>20.00</i>	43,076 \$20.71	44,553 \$21.42 <i>21.43</i>	1202 Asst. Maintenance Superintendent (B&G) 2104 Legal Secretary/Computer Operator (prosecutor) 2202 Register of Probate/Juv Court Rec (prob/fam ct) 1305 Accts Payable/Financial Systems Admin (clerk)
10	39,790 \$19.13	41,392 \$19.90 <i>19.91</i>	42,972 \$20.66	44,553 \$21.42	46,176 \$22.20 <i>22.19</i>	47,756 \$22.96 <i>22.95</i>	2103 Investigator (prosecutor) 1902 Caseworker (FOC) 8810 Staff Appraiser
11	42,432 \$20.40	44,137 \$21.22	46,176 \$22.02 <i>22.03</i>	47,528 \$22.85	49,192 \$23.65 <i>23.66</i>	50,918 \$24.48	1101 Building Inspector (bldg code)

Admin Office Memo

Date: September 12, 2014
To: Elected Officials; Jessy White; Joann Klumb
Cc: Brian Bousley
From: Sherry DuPont
RE: Board actions – 9.9.2014

The Menominee County Board of Commissioners, during their September 9, 2014 meeting:

1. Approved a 2% increase of the annual salaries for the following County Elected Officials, commencing January 1, 2015. (Current salaries are: Clerk/ROD: \$54,847, Treasurer: \$52,107, Sheriff: \$61,706, Prosecuting Attorney: \$91,870).
2. Approved payment in the amount of \$165,470 before Sept. 30th, 2014 to MERS for 100% funding in division 15 (Buildings and Grounds Superintendent). Payment to be taken from the "Unfunded MERS Liability" Account #101-103-718.01.
3. Approved approve payment in the amount of \$223,242 before Sept. 30, 2014 to MERS for 100% funding in division 02 (Sheriff Non-Union). Payment to be taken from the "Unfunded MERS Liability" Acct #101-103-718.01.
4. Approved payment in the amount of \$5,543.46 to MAC for the 2015 County Membership Dues. Payment to be taken from account #101-103-802.00 (Memberships/subscriptions).

Thank you!
Sherry

Moved by Com. Hruska seconded by Com. Motto to adopt the following Animal Control Ordinance as presented, except for changing the license fees called for, to \$3.00 and \$4.00. Motion carried unanimously.

PROPOSED
ANIMAL CONTROL ENFORCEMENT ORDINANCE
COUNTY OF MENOMINEE, MICHIGAN

An Ordinance relating to and providing for dog control within the boundaries of Menominee County except those cities, villages or townships that have adopted their own Animal Control Ordinance; purpose of Ordinance; definitions; County Dog Control Officer, his duties, authority, responsibilities and removal from office; licensing and vaccination of dogs; confinement of dogs under certain circumstances; County Dog Shelter and impoundment of dogs and redemption of dogs impounded; killing and seizing of dogs; enumeration of certain violations and procedure therefore; penalties; preservation of certain rights; County Treasurer's duties and records; fees and expenses; receipts and disbursements of funds; construction; repeal.

THE PEOPLE OF THE COUNTY OF MENOMINEE, MICHIGAN, DO ORDAIN:

ARTICLE I
PURPOSE

Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to 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,

being Sections 287.261-287.293 of the Compiled Laws of 1948, (MSA Sections 12.511-12.543), and to create the position of Dog Control Officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs; THE County of Menominee, Michigan does hereby adopt the following Ordinance:

ARTICLE II

DEFINITIONS

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

(a) ANIMALS. The word "Animal" as used in this Ordinance shall refer to dogs.

(b) POLICE OFFICER means any person employed or elected by the people of the State of Michigan, or by any city, village, county or township whose duty it is to preserve peace or to make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the State Police and Conservation Officers.

(c) ANIMAL CONTROL OFFICER means any person employed by the county for the purpose of enforcing this Ordinance or state statutes pertaining to dogs, as well as persons or deputies employed by the county to act in the Animal Control Division.

(d) OWNER. The term "owner" and "persons owning premises" shall mean both the owner of the title of record and those occupying or in possession of any property or premise.

The term "owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, an authorized agent of the owner, and every person who keeps or harbors the animal or has it in his care, custody or control, and every person who permits the animal to remain on or about the premise occupied by him.

(e) PERSON. The word "person" shall include state and local officers or employees, individuals, corporations, co-partnerships and associations.

(f) KENNEL. The term "kennel" shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, boarding,

sale, leasing, trading or sporting purposes. Any premise, building and/or structure within the boundaries of any non-agricultural area of Menominee County, Michigan, wherein or whereon more than four (4) dogs are kept, except a duly licensed pet shop, shall also be deemed to be a kennel except as provided in Article IV, Section 8 of this Ordinance.

(g) RABIES SUSPECT ANIMAL. The term "rabies suspect animal" shall mean any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies.

(h) POUNDMASTER: CHIEF, ANIMAL CONTROL SERVICES: DOG WARDEN: DOG CATCHER. The terms "Poundmaster", Chief, Animal Control Services", "Dog Warden" or "Dog Catcher" are synonymous with "Animal Control Officer" and shall include the deputies of such person.

(i) DAY shall mean working days which shall include Saturday. It shall not include Sundays or Holidays.

(j) BOARD OF COMMISSIONERS shall mean the Menominee County Board of Commissioners. TREASURER shall mean the Menominee County Treasurer

(k) NON-AGRICULTURAL AREA shall mean any area zoned by a city, village, township or other governmental body, agency or commission as other than for agricultural purposes.

ARTICLE III

ANIMAL CONTROL OFFICER,

DUTIES, AUTHORITY AND RESPONSIBILITIES

Section 1. An Animal Control Officer shall be appointed by the Board of Commissioners and shall serve as Director of the Animal Control Department. Said person shall serve at the pleasure of the Board of Commissioners.

Section 2. In lieu of all fees and other remuneration under the statutes of this state, the Animal Control Officer, his deputies and assistants, except census takers, shall be paid a salary as established and determined by appropriate resolution of the Board of Commissioners.

Section 3. The Animal Control Officer shall fulfill the following duties:

(a) The Animal Control Officer shall promptly seize, take up and place in the animal shelter all dogs found running at large or being kept or harbored any place within the county contrary to the provisions of this Ordinance or the statutes of the state.

(b) The Animal Control Officer shall be authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring dogs contrary to the provisions of this Ordinance.

(c) It shall be the duty of the Animal Control Officer, his deputies or assistants, to destroy in a humane manner, all impounded dogs which are not claimed and released within five (5) days after being impounded with the following exceptions:

1. Where there is evidence of ownership, the animal may not be sold or otherwise disposed of within seven (7) days after acquisition.

2. Where the owner is known or identified, such owner shall be notified by letter or telephone prior to destruction and given a reasonable time thereafter to claim or show cause why the dog should not be destroyed or otherwise disposed of.

3. If in the judgment of the Animal Control Officer, his deputies or assistants, said dog is valuable or otherwise desirable for keeping, the Animal Control Officer, his deputies or assistants, may release said dog to any person who will undertake to remove said animal from the county or keep said animal within the county in accordance with the provisions of this Ordinance and the statutes of the state, including compliance with licensing and vaccination requirements, upon payment of the proper charge for the care and treatment of said animal while kept in the animal shelter, or the Animal Control Officer, his deputies or assistants, may, at the expiration of the above stated periods, dispose of said dog as approved by the Board of Commissioners.

Such regulations regarding the sale of animals from the animal shelter and boarding and other charges shall be posted in a conspicuous place at the animal shelter. The bodies of all animals

destroyed at the animal shelter or elsewhere in the county shall be disposed of by the Animal Control Officer, his deputies or assistants, in a manner approved by the Menominee Co. Health Department, Any animals voluntarily turned in to the animal shelter by the owners thereof for disposition need not be kept for the minimum period of five days before release or disposal of such animals is made by the Animal Control Officer, his deputies or assistants, as provided herein.

(d) The Animal Control Officer shall promptly investigate all animal bite cases involving human exposure and shall search out and attempt to discover the animal involved and shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of this Ordinance and/or the statutes of the state. He shall also be obliged to seize and impound any rabies suspect animal.

(e) The Animal Control Officer shall assume the duty (provided in Section 316 of Act 339 of the Public Acts of 1919, being Section 287.276 of the Compiled Laws of 1948, (MSA Section 12.526), as amended) to determine and locate all unlicensed dogs, to list such dogs, and to deliver said list to the Prosecuting Attorney for the necessary proceedings as provided by this Ordinance and/or the statutes of the state.

(f) The Animal Control Officer shall have the right to inspect any kennel, a license for which has been issued by the Treasurer pursuant to this Ordinance and the statutes of the state, and shall have the duty to suspend said license if, in their opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke said license if such conditions are not corrected within a reasonable period of time.

(g) The Animal Control Officer shall have the right to investigate complaints of dogs alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such dogs.

(h) The Animal Control Officer shall have the right to investigate complaints of cruelty to dogs and shall have the right to seize, take up and impound any dog which has been determined upon investigation to be subject to such cruelty.

(i) The Animal Control Officer shall have such other duties relating to the enforcement of this Ordinance as the Board of Commissioners

may from time to time provide.

Section 4. It shall be the further duties of the Animal Control Officer, his deputies or assistants, to enforce the provisions of this Ordinance and the statutes of the state pertaining to dogs, and he may make complaint to the appropriate District Court or other appropriate court in regard to any violation thereof.

Section 5. The Animal Control Officer, his deputies or assistants, shall dispose of any animal seized, taken up and/or impounded as provided for herein; in accordance with the provisions of this Ordinance and/or the statutes of the state.

Section 6. All suspensions and/or revocations of licenses and all seizures for cruelty or dangerousness as provided for herein, shall be in accordance with such rules and regulations as are adopted from time to time by the Board of Commissioners.

Section 7. The Animal Control Officer may be removed from office for good cause shown after a hearing before the Board of Commissioners and after first being given reasonable notice of a time, date and place of said hearing. A vote for removal or non-removal shall be by majority vote of the Board of Commissioners elect.

Section 8. All fees and monies, if any there be, collected by the Animal Control Officer, his deputies or assistants as herein provided 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.

ARTICLE IV

LICENSING AND VACCINATION

Section 1. It shall be unlawful for any person to own any dog six (6) months old or over, unless the dog is licensed as hereinafter provided, or to own any dog six (6) months old or over that does not at all times wear a collar with a tag approved by the Director of the Michigan Department of Agriculture, attached, as hereinafter provided, except when engaged in lawful hunting accompanied by its owner; or for any owner of any female to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly

in leash; or for any person except the owner, to remove any collar and/or license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, farm dogs, hunting dogs, and other dogs, when accompanied by their owner, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

Section 2. On or before March 1 of each year, the owner of any dog six (6) months old or over, except as provided in Section 3 of this Article, shall apply to the county, township or city treasurer or his authorized agent, where the owner resides, in writing, for a license for each dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner. Such 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 attaining the age of six (6) months after March 1, shall be licensed within seven (7) days of that date without penalty.

Section 3. No dog shall be exempt from the rabies vaccine requirements as herein set forth unless a registered and practicing veterinarian of the State of Michigan certifies, in writing, that such rabies vaccine would be detrimental to the health of said dog and thereafter, if the Prosecuting Attorney of Menominee County, Michigan, shall approve the same in writing, he shall issue a certificate authorizing the owner of such dog to obtain the dog license without such rabies vaccine and such dog shall be licensed accordingly under the provisions of this ordinance.

Section 4. The license fee for all dogs in accordance with this Ordinance shall be as follows:

(a) For all dogs, male or female, sexed or unsexed of the age of six (6) months old or over on or before March 1 of each and every year hereafter, shall be the sum of \$3 for neutered male or spayed female and \$4 for unneutered male or unspayed female.

(b) If license is not obtained on or before March 1 of each and every year hereafter, for such dogs who attain the age of six (6)

months before March 1 of each and every year, the license fee shall be the sum of \$4 for male or spayed female and \$6 for unneutered male or unspayed female.

(c) Fees for leader dogs or dogs in training as such are hereby waived.

(d) The license fee for any dog which has not been obtained in accordance with paragraphs (a) and (b) above, shall be considered delinquent and such license fee throughout the balance of the year shall be \$4 for spayed or neutered and \$6 for unspayed or unneutered dogs.

(e) The dog license fees as herein established may be changed from time to time on or before November 1 of each year and for subsequent years by the rules and regulations pertaining to same as established by the Board of Commissioners.

(f) Current dog licenses issued by other counties within Michigan, and any other governmental agencies shall be honored in Menominee County until the following March 1.

Section 5. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred, upon proper notice, in writing by the last registered owner, given to the Treasurer who shall note such transfer upon his records. This Ordinance does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding, hunting game, breeding, trial or show.

Section 6. If the dog license tag is lost, it shall be replaced by the Treasurer, upon application by the owner of the dog, and upon production of such license and sworn statement of the fact regarding the loss of such tag. The cost of said replacement shall be \$.50 (fifty cents), or as otherwise determined by rules and regulations of the Board of Commissioners.

Section 7. Any person who owns, keeps or operates a kennel may, in lieu of individual licenses required under this Ordinance and under the laws of the State of Michigan, apply to the Treasurer for a kennel

license entitling him to own, keep or operate such kennel in accordance with the applicable laws of the state and the fee for same shall be in accordance with the laws of the state or as established by the rules and regulations for licensing fees by the Board of Commissioners

Section 8. Any person who, at any one time, owns more than four (4) dogs, except a duly licensed pet shop, at any single location within the boundaries of any non-agricultural area within Menominee County, shall, on or before March 1 of the year following such ownership, obtain a kennel license from the Treasurer if the person qualified under Act 339, Public Acts of 1919, as amended. This section shall not apply to a litter of puppies or mammals when with the mother of such, so long as said dogs are less than six (6) months of age. Failure to obtain such kennel license shall be punished as set forth in the penalty provision of this Ordinance.

ARTICLE V
CONFINEMENT

Section 1. Any dog or other animal kept as a pet that shall bite a person, animal or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure for a minimum period of ten (10) days following the biting of such person, animal or livestock. In the event that the owner of such animal shall fail to securely confine the animal for such period of time, then in that event, the Animal Control Officer, his deputies or assistants, may take possession and custody of said animal, confine him at the animal shelter until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies. Said animal shall be kept at the animal shelter at the expense of the owner thereof in the event that the person charged with the duty to securely confine said animal as aforesaid shall fail to do so. Any dog running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten (10) days at the animal shelter in accordance with the provisions of this section, and thereafter disposed of in accordance with the provisions of this Ordinance, or such regulations as are in effect at the animal shelter.

Section 2. Every dog shall at all times between sunset and sunrise of the following day be confined upon the premises of its owner except when said dog is otherwise under the reasonable control of the owner.

ARTICLE VI

ANIMAL SHELTER AND IMPOUNDMENT

Section 1. All dogs found running at large shall be seized by the Animal Control Officer, his deputies or assistants, or other peace officers, and impounded for a period of not less than five (5) days, and may thereafter be sold or disposed of if not claimed by the owner, subject to the provisions of Article III of this Ordinance.

Section 2. When dogs are found running at large, and their ownership is known to the Animal Control Officer, his deputies or assistants, or other peace officers, such dog need not be impounded but the Animal Control Officer, his deputies or assistants or other peace officer may, in their discretion, cite the owner of such dog to appear in court to answer charges of violation of this Ordinance.

Section 3. Immediately upon impounding a dog, the Animal Control Officer shall make every reasonable effort to notify the owner of such dog so impounded and inform such owner of the conditions whereby custody of such dog may be regained pursuant to the regulations for the operation of the animal shelter.

Section 4. An owner may redeem a dog from the animal shelter by executing a sworn statement of ownership, furnishing a license and tag as required by this Ordinance and state law, and paying the required fees posted at the animal shelter.

Section 5. The Board of Commissioners shall maintain an animal shelter for the purposes set forth herein.

(d) Any dog or other animal at any time, licensed or unlicensed, to attack or bite a person.

(e) Any dog to show vicious habits and molest passers-by when such persons are lawfully on the public highways or right-of-way.

(f) Any owner of a dog to permit or enable his dog to violate the above provisions (a) through (e).

(g) Any person to own any dog which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which said dog is kept, possessed or harbored.

(h) Any person to remove a collar or tag from any dog without the permission of its owner, or to decoy or entice any dog out of an enclosure or off the property of its owner, or to seize, molest or tease any dog while held or led by any person or while on the property of its owner.

Section 2. In the event of any such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, his deputies or assistants or other peace officer may issue an appearance ticket, citation or summons to the owner of said dog, or other person, summoning them to appear before a district court or other appropriate court within the county to answer the charges made in violation of this Ordinance. The said Animal Control Officer, his deputies or assistants or other peace officer may sign a complaint before said court for violation of the provisions of this Ordinance, proceed to obtain the issuance of a warrant and make arrest of the person to whom said violation is charged and bring them before the court to answer the charges. The court may in such case, in its discretion, upon a finding of guilty, assess the penalties in accordance with the penalty provision of this Ordinance.

Section 3. In the event of any of such violations or of a violation of any other provision of this Ordinance or of the laws of the state, the Animal Control Officer, his deputies or assistants or other peace officer or any other person may proceed to obtain authorization

of the Prosecuting Attorney and make complaint before a district court or other appropriate court within the county and obtain the issuance of a summons similar to that provided in Act 339 of the Public Acts of 1919, being Section 287.280 of the Compiled Laws of 1948, (MSA Section 12.530), as amended, to show cause why such dog should not be killed. Upon such hearing, the judge may either order the dog killed, may order such dog to be sold or otherwise disposed of, or may order the dog confined to the premises of the owner, or may make such other order regarding the dog as he deems proper and necessary under the circumstances, in addition to any of the penalties enumerated herein. This section shall in no way affect the provisions of Article III, Section 3(c) of this Ordinance.

Section 4. Costs, as in civil cases, shall be taxed against the owner of the dog and collected by the court from the person complained against upon a finding of guilty. The provisions of this paragraph shall be in the alternative to the provisions for violations set forth in the preceding paragraph and the Animal Control Officer, his deputies or assistants or other peace officer may, in his discretion, proceed under either section hereof.

ARTICLE IX

PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than One Hundred Dollars (\$100), or by both such fine and imprisonment.

ARTICLE X

PRESERVATION OF CERTAIN RIGHTS

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

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

ARTICLE XI

TREASURER'S RECORDS AND DUTIES

Section 1. On April 1 of each year, the Treasurer shall make a comparison of his records of the dogs actually licensed in the county with the report of the Animal Control Officer to determine and locate all unlicensed dogs.

Section 2. On and after April 1 of each year, every unlicensed dog, subject to license under provisions of this Ordinance or the statutes of the state, is hereby declared to be a public nuisance and the Treasurer shall immediately thereafter list all such unlicensed dogs, as shown by the dog census returns in his office of the supervisors and assessors, and shall deliver copies of such lists to the Animal Control Officer and the Director of the Michigan Department of Agriculture as well as those officers listed and set forth in Act 339 of the Public Acts of 1919, being Section 287.277 of the Compiled Laws of 1948, (MSA Section 12.527), as amended.

Section 3. The Treasurer shall keep a record of all dog licenses and all kennel licenses issued during the year in each city and township in the county. Such record 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 licensed; and in 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. He shall also keep an accurate record of all license fees collected by him or paid over to him by any city or township treasurer.

Section 4. In all prosecutions for violation of this Ordinance, the records of the Treasurer's Office, or lack of same, showing the name of the owner and the license number to whom any license was issued,

the plural and words in the plural include the singular. Masculine shall include the feminine and neuter. The word "shall" is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any article or section of this Ordinance.

Section 2. The regulations of this code are minimum standards supplemental to the rules and regulations duly enacted by the Michigan Department of Health and to the laws of the State of Michigan relating to public health. Where any of the provisions of these regulations and the provisions of any other local or state ordinances or regulations apply, the more restrictive of any or all ordinances or regulations shall prevail.

Section 3. If any part of this Ordinance shall be held void, such part shall be deemed servable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

ARTICLE XV

REPEAL

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall take effect sixty (60) days after the date of its adoption.

ADOPTED:

5/11/81

Bernard Lang
Bernard Lang, Chairman

Kenneth Krause
Kenneth Krause, Clerk