

Act No. 390
Public Acts of 1998
Approved by the Governor
November 25, 1998
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November 30, 1998
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. McNutt, Law, LaForge, Llewellyn, Voorhees, Rhead, Oxender, Dalman, Brackenridge, Goschka and Wetters

ENROLLED HOUSE BILL No. 5843

AN ACT to amend 1919 PA 339, entitled "An act relating to dogs and the protection of live stock and poultry from damage by dogs; providing for the licensing of dogs; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the determination and payment of damages done by dogs to live stock and poultry; imposing powers and duties on certain state, county, city and township officers and employes, and to repeal Act No. 347 of the Public Acts of 1917, and providing penalties for the violation of this act," by amending sections 6, 8, 9, 14, 15, and 17 (MCL 287.266, 287.268, 287.269, 287.274, 287.275, and 287.277).

The People of the State of Michigan enact:

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

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

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

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

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

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

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

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

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

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

(5) The application shall state the breed, sex, age, color, and markings of the dog, and the name and address of the last previous owner. The application for a license shall be accompanied by a valid certificate of a current vaccination for rabies, with a vaccine licensed by the United States department of agriculture, signed by an accredited veterinarian. The certificate for vaccination for rabies shall state the month and year of expiration for the rabies vaccination, in the veterinarian's opinion. A license shall not be issued under subsection (3)(b), (c), or (d) if the dog's current rabies vaccination will expire more than 1 month before the date on which that license would expire. When applying for a license, the owner shall pay the license fee provided for in the county budget. The county board of commissioners may set license fees in the county budget at a level sufficient to pay all the county's expenses of administering this act as it pertains to dogs. For a spayed or neutered dog, the license fee, if any, shall be set lower than the license fee for a dog that is not spayed or neutered. In addition, the license fee may be set higher for a delinquent application than for a timely application.

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

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

Sec. 9. Each license issued shall display all of the following:

- (a) An expiration date. Subject to section 6(4), the expiration date shall be 1 year or 3 years after the date on or before which the license was required to be obtained under section 6(3).
- (b) A serial number corresponding to the number on the metal tag furnished to the owner.
- (c) The name of the county issuing the license.
- (d) A full description of the dog licensed.

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

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

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

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

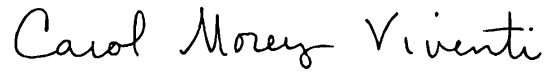
Sec. 15. The county treasurer shall keep a record of all dog licenses, and all kennel licenses, issued during the year in each city and township in his or her county. Such record shall contain the name and address of the person to whom each license is issued and the expiration date of each license. For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

Sec. 17. The county treasurer may, based on records of the dogs actually licensed in each city or township of the county and any report under section 16, identify and locate all unlicensed dogs. If a dog is required to be licensed under this act but is unlicensed, the dog is a public nuisance. The county treasurer shall immediately list all unlicensed dogs identified by this section and shall deliver copies of the list to the prosecuting attorney of the county and to the director of the department of agriculture. On receiving from the county treasurer the name of any owner of an unlicensed dog, the prosecuting attorney shall at once commence the necessary proceedings against the owner of the dog, as required by this act. The sheriff shall locate and kill, or cause to be killed, all such unlicensed dogs. Failure, refusal, or neglect on the part of a sheriff to carry out the provisions of this section constitutes nonfeasance in office.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.