

MUSKEGON COUNTY HEALTH DEPARTMENT
VECTOR CONTROL
REGULATIONS
2007



Public Health
Prevent. Promote. Protect.

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Muskegon County Health Department

Vector Control Regulations

2007

Finding that current procedures for the control, regulation and impoundment of animals are ineffective in protecting the public health of the citizens of Muskegon County, the following regulation, in order to safeguard the public health of the citizens of Muskegon County and to provide services to that end, provides for the quarantining of animals that may have exposed humans to the communicable zoonotic diseases such as rabies, the impoundment of dangerous and/or biting animals, requires reporting and surveillance of animal to human communicable diseases, and the control of public nuisances.

ARTICLE I – GENERAL PROVISIONS

Rule 1001 – Short Title.

This Regulation may be known as and may be cited and referred to as the Muskegon County Health Department Vector Control Regulations.

Rule 1002 – Authority.

The authority for this Regulation is found in 1978 Public Act No. 368, part 24 (*MCLA 333.2435 – 333.2441*).

Rule 1003 – Other Laws and Regulations

This Regulation supplements the rules and regulations duly enacted by the Michigan Department of Agriculture, Michigan Department of Environmental Quality, Michigan Department of Community Health; the laws of the State of Michigan relating to public health; and federal laws relating to public health. This Regulation supersedes inconsistent or conflicting local regulations or ordinances.

Rule 1004 – Penalties

The Director is authorized to issue a notice to any person who violates a provision of State Statutes or these Regulations. The notice shall contain a description of the violation and shall cite the specific sections of the State Statutes or these Regulations that apply.

The Director may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required.

Criminal – In accordance with MCLA 333.2441, violation of this Regulation, or any Rule hereof, shall be a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$200.00 or both.

Civil – In accordance with MCLA 333.2461, a schedule of monetary civil penalties adopted by the County Board of Commissioners may be used to set civil penalties for violations of this Regulation as adopted by the County Board of Commissioners.

Enforcement – This Regulation may be enforced by criminal proceedings, civil penalties or both and any violation may give rise to both criminal and civil liability. The Director is authorized to seek judicial remedies and sanctions for any violation of these Regulations when administrative efforts to resolve the violation(s) have proven ineffective, inadequate or are otherwise deemed inappropriate.

Rule 1005 – Agents

Whenever a power is granted to, or a duty is imposed upon the Director, the power may be exercised, or the duty performed, by an agent authorized by the Director to exercise such power, or to perform such duty unless this Regulation expressly provides otherwise.

Rule 1006 – Establish Policies

The Director may establish policies concerning the interpretation of this Regulation. The policies shall be subject to review and approval by the Board of Commissioners prior to implementation.

Rule 1007 – Severability

The various rules, paragraphs, sentences, clauses, and phrases of this Regulation are hereby declared severable. If a court of competent jurisdiction adjudges any rule, paragraph, sentence, clause, or phrase unconstitutional or invalid, the remainder of this Regulation shall not be affected thereby.

ARTICLE II – DEFINITIONS

Rule 2001 – Definitions

Whenever the following terms are used they shall have the meanings set forth in this article:

- (a) **Animal (domestic)** shall mean any animal that is considered as a house pet, companion or livestock, i.e., cat, dog, goat, horse, cow, pig, bird, etc.
- (b) **Animal (wild)** shall mean any non-domestic creature (mammal, amphibian, reptile or fowl) which is of a specie that is wild by nature and which can normally be found in the wild state and which is not naturally tame or gentle, but is of a wild nature or disposition; or which because of its size, vicious nature and other characteristics, would constitute a danger to human life or property, if not kept or maintained in a safe and secure manner. Such creatures include but are not limited to all forms of poisonous reptiles and nonpoisonous snakes which will exceed a length of six feet when mature and nonhuman primates. Excluded from this definition are hamsters, gerbils, ferrets, domesticated breeds of rabbits, guinea pigs, rats, mice, newts, and salamanders.
- (c) **Animal Shelter** shall mean the animal kenneling facility used by Muskegon County to house stray or unwanted animals. The Animal Shelter is a part of the Muskegon County Health Department and is under the Department's management and jurisdiction.
- (d) **Dangerous Animal** shall mean a domestic animal that bites or otherwise causes serious injury to a person or other animal on public or private property where the injured person or other animal is legally entitled to be, including the property of the animal's owner or custodian. An animal that is intentionally trained or conditioned to fight or guard, except for animals trained for law enforcement or service purposes while engaged in the activities for which they were trained, shall be considered a dangerous animal. A dangerous dog shall include, but not be limited to:
 - 1) A dog which has attacked a human being or domestic animal without provocation; or
 - 2) A dog which has been kept or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting; or

- 3) A dog not owned by a governmental or law enforcement unit, used primarily to guard public or private property.
- 4) An animal shall not be considered a nuisance, aggressive or dangerous where its act is caused by:
 - i) An illness or injury suffered by the animal at the time of the act;
 - ii) The negligent or reckless conduct of any person to whom the act is directed;
 - iii) Lawful hunting or sport while the animal is under the control of its owner or custodian;
 - iv) Defense of the animal's owner, or members of the owner's family or household, or their property.
- (e) **Days** shall refer to calendar days.
- (f) **Director** shall mean the Health Officer of the Muskegon County Health Department or his/her designee.
- (g) **County** shall mean the County of Muskegon.
- (h) **Department** shall mean the Muskegon County Health Department.
- (i) **Imminent Danger** means a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.
- (j) **Owner** means a person who has a right of property ownership of an animal, who keeps or harbors an animal, who has custody of an animal, or who permits an animal to remain on or about any premises occupied by the person.
- (k) **Ordinance** means the County of Muskegon's Animal and Vector Control Ordinance.
- (l) **Person** shall mean an individual person, a firm, partnership, corporation, trust, or any association of persons.
- (m) **Provoke** means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.
- (n) **Public Health Hazard** means any potential or ongoing condition which may result in physical harm, disease, or death of a person or domestic animal.
- (o) **Public Nuisance** means:
 - 1) Fecal matter, garbage, or other wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission;
 - 2) A condition or place that is a breeding ground for flies;
 - 3) An unnatural collection of water in which mosquitoes are breeding;
 - 4) A place or condition harboring vermin;
 - 5) An object, place, or condition that is a possible and probable medium of disease transmission to humans.

- (p) **Quarantine** shall mean the confinement and daily observation of an animal that has bitten a person based upon the recommendations of the current National Association of State Public Health Veterinarians' "Compendium of Animal Rabies Prevention Control".
- (q) **Vector Control** shall mean the program established by the Muskegon County Health Department to control the spread of disease by means of animal, insect, or non-human vectors to humans.

ARTICLE III – COMMUNICABLE DISEASES, RABIES, AND QUARANTINE

Rule 3001 – Incorporation by Reference

All animals that have potentially been exposed or may have potentially exposed a person to rabies shall be handled pursuant to the provisions of the publication current entitled "Compendium of Animals Rabies Prevention Control" issued by the National Association of State Public Health Veterinarians. The provisions of the publication entitled "Compendium of Animals Rabies Prevention Control" are incorporated by reference in these regulations.

Rule 3002 – Management of Animals Suspected of Disease Communicable to Humans

An owner whose animal is suspected of having rabies or other disease communicable to humans, or which has bitten or caused a skin abrasion upon a human, shall place the animal in quarantine upon direction of the Director.

Rule 3003 – Management of Domestic Animals That are Exposed to a Potentially Rabid Animal

Unvaccinated domestic animals that have been exposed to a potentially rabid animal must be euthanized immediately or placed into strict quarantine for 6 months and vaccinated one month prior to being released. Vaccinated domestic animals that have been exposed to a potentially rabid animal must be revaccinated immediately and placed into quarantine for 45 days.

Rule 3004 – Quarantine Location

The location of quarantine for an animal that has bitten a person shall be based upon the following criteria:

1. If the animal has a current rabies vaccination, and it is the first bite on record and if the owner of the animal agrees to rules of the Order of Quarantine and the Director believes that the owner has the ability to isolate and observe the animal, the Director may authorize the owner to quarantine the animal at the owner's home. If the Director determines that Order of Quarantine has been violated, the remainder of the quarantine period will be at the Animal Shelter or any other located deemed appropriate by the Director.
2. If the animal does not have a current rabies vaccination or evidence is not produced that is satisfactory to the Director that the vaccination is current and the person bitten was not an immediate family member who resides at the owner's home, or if the animal appears and acts vicious or dangerous, or if the animal has bitten two or more times, or for any other reason that the Director so determines, the animal shall be quarantined at the Animal Shelter, a licensed veterinary hospital, or any other location deemed appropriate by the Director.
3. All dogs and cats running at large that bite or attack human beings or domestic animals without cause or justification must be quarantined at the Animal Shelter.

The location of quarantine for an animal, regardless of that animal's vaccination status, that has been exposed to a potentially rabid animal will be based on the following criteria:

1. If the owner agrees to the rules of the Order of Quarantine and the Director believes that the owner has the ability to isolate and observe the animal, the Director may allow the animal to be quarantined at home.

2. If the owner does not agree to the rules of the Order of Quarantine or if the Director determines that an Order of Quarantine has been violated, the animal shall be quarantined at the Animal Shelter or any other location deemed appropriate by the Director.

Rule 3005 – Violation of an Order of Quarantine

An owner shall be in violation of this regulation if the Director determines any of the rules of an Order of Quarantine have been violated.

Rule 3006 – Mandatory Impound

The Director may take into custody any animal that is suspected of having rabies or other disease communicable to humans, or any animal which has bitten or caused a skin abrasion on a human. All animals held at the Animal Shelter for quarantine are considered impounded animals and are subject to all articles, provisions, and requirements of this Regulation and the Ordinance.

Rule 3007 – Costs of Quarantine

The owner is responsible for bearing all costs associated with the animal's confinement.

Rule 3008 – Unclaimed Animals

All animals not reclaimed at the end of a quarantine period, shall be destroyed, sold at the discretion of the Director, or transferred to a licensed animal rescue organization.

ARTICLE IV – PROOF OF LICENSE AND VACCINATION

Rule 4000 – Power to Conduct Inspections

The Department is authorized to examine, take into custody, capture, or to conduct inspections of all properties, public or private, in conjunction with the fulfillment of the duties and responsibilities in this Regulation. If a person(s) refuses to permit access to the areas or places of keeping of animals or of a potential health hazard, the Department shall seek the necessary court authorization to enter the premises.

Rule 4001 – Exhibition of Animals, Licenses, or Certificates of Vaccination

The Director may require that a person owning any dog exhibit the dog, the required vaccination certificate, or the current license and license tag for such dog.

Rule 4002 – Failure to Show License

Any person upon whom a demand is made under authority of this Regulation for the exhibition of any dog, rabies vaccination certificate, license or tag, who fails or refuses to exhibit the same, if he or she has it in his or her possession, is in violation of this Regulation.

Rule 4005 – Interference with an Agent

No person shall interfere with, oppose, or resist an authorized Agent of the Muskegon County Health Department while he or she is engaged in the performance of any act authorized by this Regulation.

Rule 4006 – Unauthorized Removal of an Animal

No person shall remove any animal from the custody of the Director nor shall any person remove any animal from the Animal Shelter without first receiving permission from the Director.

Rule 4007 – Concealment of Animals

No person shall conceal any animal or conceal ownership of any animal when questioned by the Director.

Rule 4008 – Payment of Costs

The Director shall not release any dog unless the dog is first licensed and vaccinated against rabies and all fees, penalties and costs have been paid in full. All fees, penalties and costs shall be established by the Muskegon County Board of Commissioners and can be changed from time to time. An owner desiring to dispute a penalty must pay the penalty prior to the dog being released. The user may request an administrative hearing pursuant to Article VIII. In the event that the owner's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user.

ARTICLE V –ANIMAL BEHAVIOR

Rule 5001 – Nuisance, Aggressive or Dangerous Animal

A person who owns or has care and custody of an animal shall prevent the animal from engaging in nuisance, aggressive, or dangerous behavior.

Rule 5002 – Keeping of Nuisance, Aggressive or Dangerous Animal

The Director may, upon the designation of a dog as a public hazard, require the owner to keep the dangerous animal under one or more of the following manners:

- (a) Confined, except as set forth hereinafter. "Confined," as the term is used in this Rule, shall mean such dog is securely kept indoors or in a securely enclosed and locked pen or dog-run area. Said pen or run must be locked with a key or combination lock whenever such dog or dogs are within the structure. Said pen or dog-run area must have sides six (6) feet high or be secured over the top. If the pen or dog-run area has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot deep.
- (b) Anytime said dog is not confined to the property of the owner or keeper, the owner or keeper shall ensure such dog is securely muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or animal.
- (c) Upon being informed of the said dog's designation as a nuisance, aggressive, or dangerous, have the dog sterilized and micro-chipped.
- (d) Immediately, upon learning of same, notify Muskegon County Vector Control if the animal:
 - 1) Is loose or unconfined;
 - 2) Bites a person or attacks another animal;
 - 3) Is sold, given away, or dies; or
 - 4) Has been moved to a different address.
- (e) Provide the Department proof of a current health certificate for the dog issued by a veterinarian.
- (f) Acquire liability insurance coverage that covers animal bites and damage and provide proof to the Department.
- (g) Allow inspection of premises where animals are kept upon Director's request.
- (h) 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.

- (i) Take any other action appropriate to protect the public as determined by the Director.

Rule 5003 – Decision

If the Director deems a public hazard based on a real or potential threat to public health, he or she must do so in writing by stating the animal's offense(s); state the mandated corrective action(s) referenced in Rule 5002; and, deliver to the owner by hand or registered mail.

Rule 5004 – Failure to Comply

Failure to keep a dog in accordance with provisions of Rule 5003 mandated by the Director is a violation of this Regulation.

Rule 5005 – Dangerous Dog/Severe Injury; Second Attack

If a dog previously declared dangerous attacks or bites a human being or a domestic animal without provocation, the Director shall seize the animal and will petition the District Court to humanely euthanize the animal. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during the pendency of any hearing or appeal procedure, as well as any and all investigative fees accrued by the Department. If the owner files a timely written appeal, the Department may not destroy the dog while the appeal is pending, except to prevent unnecessary suffering as determined by two veterinarians.

ARTICLE VI –VECTOR CONTROL

Rule 6001 – Reporting and Surveillance

- (a) A veterinarian in Muskegon County shall report any Michigan Department of Agriculture (MDA) reportable disease to the Department within the same time frame as MDA's reporting requirements under Act No 466 of 1988, MCL 287.709.
- (b) A veterinarian in Muskegon County shall report each suspected or confirmed case of a serious communicable disease that could infect humans within twenty-four (24) of its diagnosis or discovery, to the Department.
- (c) A veterinarian in Muskegon County shall report the unusual occurrence of any disease, infection, or condition that threatens the health of the public, within twenty-four (24) hours of diagnosis or discovery, to the Department.
- (d) A veterinarian in Muskegon County is authorized to report any zoonotic disease, infection, or condition to the Department.
- (e) An individual who is potentially exposed to rabies by any animal or has knowledge that an individual has been potentially exposed to rabies, must report the incident promptly to the Department. The individual making the report shall state to the best of his or her knowledge, the name, address, phone number of the individual who has been potentially exposed to rabies, the time and place of such potential exposure, and if known, the location, description, type of animal involved, information about the owner, and circumstances surrounding the incident.
- (f) An animal that is known to be suffering from or afflicted with a contagious or infectious disease shall not be transferred, sold, bartered, or disposed of without first disclosing to the person to whom the same is transferred, sold, bartered, or disposed of that such animal is so diseased. Nor shall such animal be or knowingly allowed to come into contact with any animal of another person without his or her knowledge or permission.

Rule 6002 – Nuisances Defined and Prohibited

The words "Public Nuisance" as used in this Regulation are defined in Article II, Rule 2001 of this Regulation. All such nuisances as determined by the Director are hereby prohibited and declared a violation of this Regulation.

Rule 6003 – Inspection

All premises affected by this Regulation shall be subject to entry and inspection by the Director, or his/her designee, after giving proper identification, as per Article IV, Rule 4000 of this Regulation, except where an imminent danger or health hazard exists or is believed to exist, which requires that an inspection be conducted immediately.

Rule 6004 – Vermin Control

It shall be unlawful for any person to create or maintain a vermin infested condition on premises owned or occupied by that person. When the Director has reasonable cause to believe that there is vermin infestation in a definable area, and upon proper notice, it shall be the responsibility of the owner or occupant of the premises to take whatever measures are deemed necessary to abate the condition and protect against the ingress of vermin using methods acceptable to the Director.

Rule 6005 – Dead Animals

It shall be unlawful for any person to allow a dead animal(s) to remain for over twenty-four (24) hours after death on premises owned and/or occupied by that person. Such animal(s) shall be removed from the site and/or properly disposed; buried to an adequate depth so not to affect the groundwater supply and/or public health; or, as otherwise specified by the Director in circumstances where high ground water elevation is a limiting factor. Burial of dead animals shall follow the requirements of Act 239 of 1982 as amended [MCL 287.671].

ARTICLE VII – ADMINISTRATIVE ENFORCEMENT REMEDIES

Rule 7001 – Citations

When the Director finds that a person has violated, or continues to violate, any provision of this regulation or any order issued hereunder the Director may serve upon that person a citation. The citation shall be written and shall state with particularity the nature of the violation, including reference to the section, rule, order, or regulation alleged to have been violated, the civil penalty established for the violation, and the right to appeal the citation. The citation shall be delivered or sent by registered mail to the alleged violator. Nothing in this rule shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a citation. Issuance of a citation shall not bar against, or a prerequisite for, taking other action against the person.

Rule 7002 – Consent Orders

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person for noncompliance with the regulation. Such documents will include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Rule 7003 and Rule 7004 of this regulation and shall be judicially enforceable.

Rule 7003 – Compliance Orders

When the Director finds that a person has violated or continues to violate any provision of this regulation or order issued hereunder, the Director may issue an order to that person directing them to come into compliance within a specified time. Issuance of a compliance order does not relieve the person of any liability for the violation and shall not be a bar against, or a prerequisite for, taking any other action against the user.

Rule 7004 – Cease and Desist Orders

When the Director finds that a person has violated or continues to violate any provision of this regulator or issued hereunder, the Director may issue an order to the person directing it to cease and desist all such violations and direct the person to immediately comply with all requirements of this regulation. Issuance of a cease and desist order does not relieve the person of any liability for the violation and shall not be a bar against, or a prerequisite for, taking any other action against the user.

Rule 7005 – Failure to Comply with an Order

Any person who fails to comply with an Order that has been issued under this Regulation is in violation of this Regulation.

ARTICLE VIII – ADMINISTRATIVE HEARING/JUDICIAL REVIEW

Rule 8001 – Administrative Hearing

Not later than 20 days after the receipt of the citation, the alleged violator may petition the Muskegon County Health Department for an administrative hearing which shall be held within 30 days after the receipt of the petition. After the administrative hearing, the Director may affirm, dismiss or modify the citation. The decision of the Director shall be final.

Rule 8002 – Judicial Review

A person aggrieved by a decision of the Director under this Article may petition the Muskegon County Circuit Court for review for any final administrative action taken by the Muskegon County Health Department. The petition shall be filed not later than 60 days following the receipt of the final administrative decision.

8003 – Civil Penalties

A civil penalty becomes final if a petition for an administrative hearing or review is not received within the time specified in this Article. A civil penalty imposed by this regulation is payable to the Muskegon County Health Department for deposit with the general funds of the County. A civil penalty may be recovered in a civil action in Muskegon County for violations that occurred in County or in the county where the defendant resides.

ARTICLE IX – JUDICIAL ENFORCEMENT REMEDIES

9001 – Injunctive Relief

When the Director finds that a person has violated, or continues to violate any provision of this regulation or order issued hereunder, the Director may petition the Muskegon County Circuit Court through the County's Attorney for the issuance of a temporary or permanent injunction, to restrain, prevent, or correct an activity or condition which the Director believes adversely affects public health.

This regulation will become effective 45 days after adoption.

Adopted: August 9, 2007

Published: _____

Effective: September 24, 2007