SUMMARY

This proposed ordinance amends Chapter 6 of the 1984 Detroit City Code, Animal Control, Regulation and Care, (1) by reorganizing the Chapter into a more logical structure by moving Article II, Licensing and Control of Dogs, to Article V; by moving Article III, Animal Control Shelter, to Article IV; by moving Article IV, Proper Treatment and Transportation of Animals, to Article II; by moving Article V, Pet Shops, to a new Article VII; by reserving Article VI; and by creating a new Article III, Dangerous Animals, and moving former sections 6-1-8 through 6-1-10 to it; (2) by amending the right of entry provisions set forth in Section 6-1-2(e) to more clearly define the conditions under which animal control officer or law enforcement officer may enter property to seize an animal, in order to conform the provisions and procedures to law; (3) to update terms and definitions; (4) to more clearly articulate focus on animal care by renaming the Animal Control Division as the Animal Care and Control division and by updating language regarding standards of animal care, including animal tethering; (5) to honor the life and memory of Xavier Strickland, who was fatally injured by dangerous dogs, and to demonstrate the commitment by the City of Detroit that the circumstances which led to Xavier Strickland's tragic death are adequately and permanently corrected and (5) to update language, delete duplicative or obsolete language, and make other technical revisions.
BY COUNCIL MEMBER

AN ORDINANCE to amend Chapter 6 of the 1984 Detroit City Code, Animal Control, Regulation and Care, (1) by reorganizing the Chapter into a more logical structure by moving Article II, Licensing and Control of Dogs, to Article V; by moving Article III, Animal Control Shelter, to Article IV; by moving Article IV, Proper Treatment and Transportation of Animals, to Article II; by moving Article V, Pet Shops, to a new Article VII; by reserving Article VI; and by creating a new Article III, Dangerous Animals, and moving former sections 6-1-8 through 6-1-10 to it; (2) by amending the right of entry provisions set forth in Section 6-1-2(e) to more clearly define the conditions under which animal control officer or law enforcement officer may enter property to seize an animal, in order to conform the provisions and procedures to law; (3) to update terms and definitions; (4) to more clearly articulate focus on animal care by renaming the Animal Control Division as the Animal Care and Control division and by updating language regarding standards of animal care, including animal tethering; and (5) to update language, delete duplicative or obsolete language, and make other technical revisions.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1: That Chapter 6 of the 1984 Detroit City Code, Animal Control, Regulation, and Care, is amended by amending the chapter, as follows:

CHAPTER 6. ANIMAL CONTROL, REGULATION, AND CARE

ARTICLE I. IN GENERAL

Sec. 6-1-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

Abandonment means an owner leaving an animal unattended for at least seventy-two (72) consecutive hours.

Administrator means the individual with direct supervisory control over the Animal Care and
Control Division.

*Animal* means any living domesticated or wild invertebrate or vertebrate, excluding humans.

*Animal Care and Control Division* means the division of the Detroit Health Department, or such other designated City of Detroit department or agency, authorized to administer or enforce the provisions of this chapter.

*Animal Control Shelter* means the animal control shelter established, operated, and maintained by the City pursuant to Article IV of this chapter.

*Business License Center* means the division of the Buildings, Safety Engineering and Environmental Department, or such other designated City department or agency, authorized to issue business licenses.

*City* means the City of Detroit.

*Dangerous animal determination* means a written declaration or order issued by the Administrator of the Animal Control Division, or his or her the Administrator’s designee, finding that a dog or other animal is dangerous because the dog or other animal:

1. Has without provocation attacked, bitten, or otherwise caused injury to a person; or
2. Has without provocation attacked, bitten, or otherwise caused injury to another domesticated animal; or
3. Has on one (1) or more occasions, and without provocation, chased or approached any person on any public property, or on any private place that is not the property of the animal’s owner, in an apparent attempt to attack or injure the person.

*Department* means the Detroit Health Department or successor department with administrative oversight and control of the Animal Care and Control Division.

*Domesticated animal* means any animal which is accustomed to living in an environment
managed by humans and is suitable for the purpose of human companionship or service.

_Farm animal_ means, but is not limited to, a cow, a donkey, a goat, a horse, a llama, a mule, a pony, poultry, sheep, swine, or any animal held or raised for purposes of food or other commercial consumption.

_Impounded_ means an animal confined, kept, and maintained by the Animal Care and Control Division.

_Kennel_ means any premise or structure where three (3) or more animals are boarded, confined, kept or maintained for the purpose of breeding, boarding, sale, sporting, or any commercial or training purposes.

_Licensed dog_ means a dog currently licensed by the Animal Care and Control Division.

_Licensee_ means any person or premises licensed under this chapter.

_Neglect, as defined by MCL 750.50, means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized._

_Neuter_ means to make a male animal incapable of reproducing.

_Offered for sale_ means all animals found on the premises indicated on the license or licenses of a pet shop, except those of diseased, maimed, or sick animals that are housed in an entirely separate part of the premises or in cages or kennels with a “not for sale” sign attached to the front of each cage or kennel.

_OWNER_ means, when applied to the proprietorship of an animal, every person having a right of property in the animal, every person who keeps or harbors an animal, or has an animal in his or her the person’s care or control, and every person who knowingly permits an animal to remain at or about any premises occupied by the person.

_Pet shop_ means any building, enclosure, lot, place, or structure, where birds, cats, dogs, fish, monkeys, rabbits, and other animals are offered for sale to the public.
Residence means an apartment, dwelling, flat, house, or other building or structure where one (1) or more persons reside.

Restraint means a device, enclosure, or structure such as a cage, corral, fenced enclosure, house, pen, or vehicle without means of escape, or a leash or other form of cable, rope, or tether or secure attachment, used to securely and safely confine an animal.

Seize means to capture, collect, restrain, or impound an animal.

Serious bodily injury means bodily injury which creates a substantial risk of death or causes serious or permanent disfigurement, disfiguring lacerations requiring sutures or cosmetic surgery, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

Service animal means that term as defined in Section 1 of Public Act 207 of 1970, being MCL 287.291.

Spay means to make a female animal incapable of reproducing.

Sterilization-Sterilize means to neuter or spay an animal.

Stray animal means any animal running loose on public or private property without restraint.

Tethering means to secure a dog to a stationary object by means of a metal chain or coated steel cable for keeping a dog restrained in its movement. Tethering does not mean walking a dog on a leash or restraining a dog for temporary grooming or other professional service.

Vicious animal means any animal which:

(1) Mauls or kills a person or otherwise has inflicted serious bodily injury upon a person without provocation; or

(2) Has inflicted two (2) or more bites upon one (1) person causing serious injury to the person; or
(3) Has inflicted one (1) or more bites upon two (2) or more persons causing serious injury to the person or persons.

_Urban farm_ means over one acre of land under common ownership which is used to grow and harvest food crops and/or non-food crops for personal or group use and which is one of the following:

(1) contiguous, or

(2) non-contiguous and on the same block, or

(3) contiguous or non-contiguous and separated by a right-of-way not greater than 60 feet in width.

An urban farm includes an orchard or a tree farm that is a principal use. An urban farm may be divided into plots for cultivation by one or more individuals and/or groups or may be cultivated by individuals and/or groups collectively. The products of an urban farm may or may not be for commercial purposes.

_Urban farm animal_ means livestock or fowl permitted to be raised or kept in accordance with Article VI of this Chapter.

_Urban garden_ means up to one acre of land under common ownership which is used to grow and harvest food crops and/or non-food crops for personal or group use and which is one of the following:

(1) contiguous, or

(2) non-contiguous and on the same block, or

(3) contiguous or non-contiguous and separated by a right-of-way not greater than 60 feet in width.

The products of an urban garden may or may not be for commercial purposes.

_Wild animal_ means any animal that generally lives in its original and natural habitat, and
is not normally considered a domesticated animal.

*Without provocation* means, when applied to damage or injury caused to a person by an animal, the person has not committed a willful trespass or other tort upon the property of the animal’s owner, or an act of abuse, assault, attack, or torment upon the animal or the owner of the animal, or a criminal act or an attempt to commit a criminal act which takes place where the animal is located.

Sec. 6-1-2. Animal control—division Care and Control Division; authorization and enforcement; minimum employment standards for animal control officers; right of entry upon probable cause; interference with officer; damage to property; fees; rules.

(a) The Animal Care and Control Division is authorized to enforce the provisions of this chapter concerning all animals within the City, including the care, control, regulation, and disposition of such animals, and to administrate and operate the City’s Animal Control Shelter.

(b) The Animal Care and Control Division shall designate public servants as animal control officers, to enforce the provisions of this chapter, or any rule or regulation promulgated thereto, including issuing and serving appearance tickets, citations, complaints, or other written notices to persons for violations of any of the provisions of this chapter.

(c) In accordance with section 1-1-9 of this Code, public servants who are employed as animal control officers for the purposes of enforcing the provisions of this chapter shall have concurrent authority with police officers and shall have such police powers as are necessary for the enforcement of this chapter.

(d) Pursuant to Sections 29b and 29c of the Michigan Dog Law of 1919, 1919 PA 339, being MCL 287.289b and MCL 287.289c, the minimum employment standards relative to the recruitment, selection, and appointment of animal control officers shall include:

(1) Requirements for educational, physical, mental, and moral fitness; and
(2) Proof of an instructional course of study of not less than one hundred (100) hours as prescribed approved by the Michigan Department of Agriculture and Rural Development; and

(3) A valid driver’s license.

Where the animal control officer is a police officer or has served at least three (3) years as an animal control officer, these standards and requirements shall not be required.

(e) The animal control officers of the Animal Control Division who are designated to enforce the provisions of this chapter shall have the right of entry, upon probable cause of a violation of this chapter, onto any premises, residence, or real property within the City for the purpose of capturing, collecting, or restraining any animal. Further, such officers shall have the right of entry, upon probable cause, to any premises, residence, or real property for the purpose of examining any animal suspected of having rabies, having been exposed to rabies, or having attacked or bitten a person or any animal.

The following provisions shall apply regarding the right of entry upon, onto, or into property:

(1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the animal control officers and investigators of the Animal Care and Control Division who are designated to enforce the provisions of this Chapter, police officers, sheriffs, other peace officers, or any person authorized by the Animal Care and Control Division, shall have the right of entry upon, onto or into:

a. Any residence, private property, or vehicle within the City for the purpose of seizing any animal; or

b. Any residence, private property, or vehicle within the City for the purpose of examining any animal suspected of having rabies, having been exposed to
rabies, or having attacked or bitten a person or any animal.

(2) Subject to paragraph (3) of this subsection, as a condition to exercising the right of
entry set forth in paragraph (1) of this subsection, the person shall satisfy both
subparagraphs a. and b. of this paragraph by establishing or obtaining:

a. probable cause of a violation of this Chapter, and

b. at least one of the following:

1. owner consent, or

2. a warrant issued by an appropriate judicial officer or magistrate, or

3. entry for the purpose of assisting other law enforcement, public safety, or

other personnel having a lawful right of entry, or

4. exigent circumstances in which the public health, safety, or the health or

safety of one or more animals, is subject to imminent danger.

(3) The following provisions shall also apply:

a. Neither owner consent, nor a warrant, nor exigent circumstances shall be
required to seize any animal which is observed running loose and traversing
across public or private properties; provided, however, if the animal is located
inside private property or an adjoining fenced-in yard at the time seizure is
sought, the limitations on seizure listed above shall apply.

b. With respect to any provision within this Chapter that authorizes capture or
seizure of an animal from a residence or private property, such seizure or capture
shall be made in accordance with the provision of this section.

c. Any owner aggrieved by the seizure of an animal from private property shall
have the right, within 72 hours of the seizure, to meet with the Administrator or
the Administrator’s designee and explain any mitigating circumstances. Subject
to the provisions of this Chapter governing dangerous animals and animals
possibly exposed to rabies, the Administrator or the Administrator’s designee
shall have the authority to exercise discretion to direct the immediate return of
the animal and waive fees relating to the seizure of the animal.

(f) It shall be unlawful for any No person to shall knowingly and willfully interfere with,
hinder, resist, or obstruct an animal control officer, or any police officer, or any authorized agent
or City employee, in the lawful performance of their duties as delineated in this chapter.

(g) It shall be unlawful for any No unauthorized person to shall knowingly and willfully
release, remove, or attempt to release or remove, any animal in the care or custody of an animal
control officer, including any animal located within the Animal Control Shelter, or within any
vehicle or device used by the Animal Care and Control Division to transport or restrain any
animal.

(h) It shall be unlawful for any No person to shall knowingly and willfully make a false
statement, or to fail to reveal any fact, concerning any information required to be disclosed or
otherwise provided to the City under any provision of this chapter.

(i) It shall be unlawful for any No person to shall knowingly and willfully burn, deface,
destroy, tear down, or otherwise damage, or attempt to burn, deface, destroy, tear down, or
otherwise damage, any equipment, enclosure, or impoundment facility of the Animal Care and
Control Division.

(j) The Public-Health Director of the Department shall establish fee schedules, subject to
the approval of City Council, and collection procedures for services which are determined to be
necessary for the public health and welfare of the City, including, but not limited to, the licensing
and registration of dogs. The fees authorized by this section shall cover the costs of rendering
such services and shall be reviewed, revised, and approved as necessary in accordance with this
section.

(k) In accordance with the Michigan Public Health Code, 1978 PA 368, being MCL 333.1101 et seq, and section 2-1-11 of the 1997 2012 Detroit City Charter, the Detroit-Health Department shall adopt and modify administrative regulations, rules, and procedures, as necessary, for the administration of this chapter, including hearing procedures for resolving matters in dispute.

Sec. 6-1-3. Owning, harboring, keeping, maintaining, selling or transferring of farm or wild animals prohibited; exception of circuses, zoos, and other approved activities; separate violation for each animal; disposition of animals in violation of this section.

(a) It shall be unlawful for a person to shall own, harbor, keep, or maintain, sell, or transfer any farm animal, or any wild animal, on their premises or at a public place within the City; provided, that farm animals or wild animals may be kept in circuses, zoos, or laboritories, or nonprofit organizations for educational purposes, subject to the approval of the City, where the care or custody is under the care of a trained and qualified animal attendant at all times, whose responsibility shall be to see that such animals are securely under restraint.

(b) Each farm animal, or wild animal, that is owned, kept, maintained, sold or transferred contrary to subsection (a) of this section shall constitute a separate violation of this section.

(c) The Animal Care and Control Division is authorized to sell, transfer, euthanize, or dispose of any animal owned, kept, maintained, sold or transferred in violation of this section in a manner consistent with the protection of the public health, acceptable humane practices, and any applicable established City guidelines and procedures.

Sec. 6-1-4. Owning, harboring, keeping, or maintaining of reptiles or serpents prohibited; exceptions; separate violations for each reptile or serpent.
(a) It shall be unlawful for a No person to own, harbor, keep, or maintain any reptiles or serpents, except turtles that are not in excess of fifteen (15) inches in length, in their premises, or at a public place within the City; provided that this section shall not prohibit a circus, zoo, or serpentarium, subject to the approval of the City, or to a pet shop that is licensed under Article IV, Article VII of this chapter, from keeping reptiles or serpents where such reptiles or serpents are securely confined, in a manner consistent with the protection of the public health and safety and acceptable humane practices.

(b) Each reptile or serpent that is owned, harbored, kept, or maintained contrary to subsection (a) of this section shall constitute a separate violation of this section.

(c) The Animal Care and Control Division is authorized to sell, transfer, euthanize, or dispose of any reptile or serpent that is owned, harbored, kept, or maintained in violation of this section in a manner consistent with the protection of the public health, acceptable humane practices, and any applicable established guidelines and procedures.

Sec. 6-1-5. Certain animals declared public nuisance; abatement; animal waste; responsibility for removal of waste; prohibition on unapproved kennels.

(a) Any animal which:

(1) Is unclaimed by its owner after being picked up by, or delivered to the care and control of, the Animal Care and Control Division, or a stray animal; or

(2) Bites a person; or

(3) Unreasonably disturbs or annoys the quiet, comfort, and repose of persons in the vicinity by loud, frequent, habitual, or repeated barking, howling, or yelping; or

(4) Defecates, digs, or urinates upon any building, lawn, plant, shrub, tree, or any other public private property, other than the property of the owner, may be declared to be a public nuisance, and be subject to capture and abatement by the
Animal Care and Control Division or by the Police Department, or by any other authorized
governmental agency, in accordance with the provisions of the Michigan Dog Law of 1919, 1919
PA 339, being MCL 287.261 et seq., or this chapter and the rules and regulations of the Detroit
Health Department.

(b) It shall be unlawful for any owner of any animal declared to be a public nuisance to
shall fail to immediately take any available and reasonable measures to abate such a public nuisance upon the oral or written notification of to the owner of the animal by any person authorized to enforce the provisions of this chapter.

(c) Where any animal has defecated upon any building, lawn, plant, shrub, tree, or any other
public or private property, other than the property of the owner, and the owner of the animal upon
notice immediately and properly removes all feces deposited by such animal and disposes of same
in a sanitary manner, the public nuisance shall be considered abated and not a violation of this
section; provided, that it shall be lawful for a blind or disabled person with a guide-or paws-dog
service animal to fail to promptly and properly collect and dispose of any animal waste or
excrement on any public or private property.

(d) It shall be unlawful for any person to maintain or operate a kennel, or to construct,
maintain, or use an accessory building for a kennel, within the City without obtaining all relevant
licenses and the approval of a permits from the Buildings, Safety Engineering and Environmental
Department and written approval by the Detroit Health Department.

Sec. 6-3-9-6-1-6. Disposal of dead animals.

The bodies of all dead animals within the City, including those at the Animal Control
Shelter or an affiliated nonprofit shall be disposed of in accordance with the Michigan Bodies of
Dead Animals Act, 1982 PA 239, being MCL 287.651 et seq., or as directed by the Michigan
Department of Agriculture and Rural Development, the Administrator of the Animal Control
Division, or any other authorized government official.

Sec. 6-1-7. Impoundment; release; and adoption.

(a) The Animal Care and Control Division is authorized to impound any animal which is stray, loose, running at large, or has bitten or otherwise injured any person or other animal and needs to be confined for observation.

(b) Any person may retain or trap in a humane manner and hold for the Animal Care and Control Division any animal trespassing upon the person’s property. The person must promptly notify the Animal Care and Control Division regarding any stray animal under the person’s control, and, upon request, shall turn over the animal to the Animal Care and Control Division.

(c) The Animal Care and Control Division may contract with any nonprofit corporation that is organized for the purpose of sheltering animals to assist in the care, impoundment, release, or adoption of stray animals not determined to be dangerous by the Animal Care and Control Division.

Sec. 6-3-4. 6-1-8. Records and reports.

(a) Whenever a dog, cat, ferret, or other animal is delivered to, left with, or impounded at by the Animal Care and Control Shelter Division, the shelter Administrator shall make a record of such the receipt of the animal which includes a basic description of the animal, the date the animal was acquired by the Animal Care and Control Shelter Division and under what circumstances, the date of any notice sent to the owner of the animal, and the subsequent disposition of the animal by the Animal Care and Control Shelter Division.

(b) In accordance with Section 9a of the Michigan Pet Shops, Animal Control Shelters, and Animal Protection Shelters Act, 1969 PA 287, being MCL 287.339a, the Animal Care and Control Shelter Division shall maintain written records concerning:

(1) The total number of dogs, cats, and ferrets less than six (6)-months of age, the total
number of dogs, cats, and ferrets six (6) months of age and older, and all other animals received and returned to owners, adopted to new owners, and sold of transferred with or without payment to any person;

(2) The number of adopted dogs, cats, and ferrets that were altered;

(3) The number of adopted dogs, cats, and ferrets that were not altered; and

(4) The number of dogs, cats, and ferrets euthanized annually.

(c) In accordance with Section 9a of the Michigan Pet Shops, Animal Control Shelters, and Animal Protection Shelters Act, 1969 PA 287, being MCL 287.339a, the Animal Care and Control Shelter Division shall provide a copy of these statistics, annually, to the Michigan Department of Agriculture and Rural Development. A copy shall also be provided to the Detroit City Council.

(d) The Animal Care and Control Division shall submit a report to the Detroit City Council through the Detroit City Clerk's Office upon the disposition of a dangerous animal pursuant to Sec. 6-3-2 of this chapter or by order of the 36th District Court.

(e) The Administrator shall submit an annual report to the Detroit City Council which shall include, for the period covered by the report:

(1) The number of incidents of dangerous behavior reported to the Animal Care and Control Division;

(2) The number of animals declared dangerous; and

(3) The location of all animals declared dangerous residing with their owners.

See. 6-1-6. Owning, harboring, keeping, or sheltering vicious animals and animals exposed to rabies prohibited; disposition or release of animal having attacked, bitten or scratched a person or animal; surrender of animal.

(a) It shall be unlawful for any person to own, harbor, keep or shelter vicious animal, as defined in section 6-1-1 of this Code, or an animal that has been attacked, bitten or scratched by any animal
known to have been afflicted with rabies.

(b) Any person who owns, harbors, keeps or shelters an animal which has contracted rabies, or
which has been exposed to rabies, including being sheltered in the same enclosure with a known
rabid animal, or which has been suspected by a competent authority of having rabies, shall produce
and surrender such animal to the Animal Control Division, upon demand of the Animal Control
Division or of the Police Department, or to such place as may be designated by the City, to be
detained for the purpose of clinical observation of rabies for a period as may be determined by the
Animal Control Division.

e) Any person who owns, harbors, keeps or shelters an animal which has attacked, bitten, or
scratched a person or has been attacked, bitten, or scratched by another animal, showing the
symptoms of rabies, shall have the duty and responsibility to immediately notify the Animal
Control Division that he or she has such an animal in his or her possession. Further, it shall be
unlawful for any person, without the knowledge and approval of the Animal Control Division, to
release, sell, transfer, or cause to be euthanized an animal which has contracted rabies, or which
has been exposed to rabies, including being sheltered in the same enclosure with a known rabid
animal, or which has been suspected by a competent authority of having rabies, or that is known
or suspected to have attacked, bitten, or scratched a person or other animal.

(d) Upon investigation and subsequent determination by the Animal Control Division that a
person has been attacked, bitten, or scratched by an animal, any person who owns, harbors, keeps
or shelters such an animal shall have the duty and responsibility to surrender the animal, upon
demand, to the Animal Control Division, or upon approval of the Animal Control Division, to a
licensed veterinarian or any nonprofit organization licensed for the purpose of sheltering animals;
for the purpose of detention and clinical observation for rabies. The observation period shall be for
a period of not less than ten (10) days from the date of the attack, bite or scratch. The owner of the
animal shall bear the cost of the care, feeding, and maintenance of a quarantined animal. In cases of animal pregnancy or illness, animals may be quarantined, at the discretion of the Animal Control Division, on the owner's property. Any animal subject to quarantine shall not be vaccinated before the quarantine period has expired.

(c) It shall be unlawful for a person, upon demand of the Animal Control Division or the Police Department, to fail to surrender an animal that has attacked, bitten, or scratched a person or animal within twenty-four (24) hours after the animal has attacked, bitten, or scratched a person to the Animal Control Division, or upon approval of the Animal Control Division, to a licensed veterinarian or any nonprofit corporation licensed for the purpose of sheltering animals, for the purpose of detention and clinical observation for rabies.

(f) The Animal Control Division may authorize the owner of an animal that has attacked, bitten, or scratched a person or animal to confine the animal to his or her residence or other suitable place for the clinical observation period for rabies. Where confinement is authorized under this subsection, the animal shall be confined in a secure pen, with an asphalt, concrete or wood floor, with a closed top, and locked gate, assuring that the clinical observation period will be completed with the animal still confined. Further, during this confinement the animal shall only be allowed outside of the pen where the animal is under restraint. [Ed. note: Repealed.]

Sec. 6-1-7. Rabies Control: requirements for dogs over the age of four (4) months; waiver of vaccination fee. [Ed. note: This section has been moved to section 6-5-24]

Sec. 6-1-8. Dangerous Animals; determination by the administrator of the animal control division, or designee; appeal of the dangerous animal determination; requirements for owners of animals determined to be dangerous; violation; disposition of dangerous animals. [Ed. note: This section has been moved to section 6-3-14]

Sec. 6-1-9. Animals determined to be dangerous animals; requirements; warning notice. [Ed.
Note: This section has been moved to section 6-3-27

Sec. 6-1-10. Animals determined to be dangerous; failure to comply with requirements; seizure; euthanization of animal. [Ed. note: This section has been moved to section 6-3-27]

Sec. 6-1-11. Maximum number of dogs and cats at residence; exceptions. [Ed. note: This section has been moved to section 6-2-1, subsection(d)]

Sec. 6-1-12. 6-1-9. Violations and penalties.

(a) It shall be unlawful for any person to violate any provision of this chapter, or to aid and abet another to violate any such provision.

(b) Any person who violates this chapter may be issued an ordinance violation for each day that the violation continues.

(c) Except as provided in subsections (d) and (e) of this section, any person who is found guilty of violating this chapter shall be convicted of a misdemeanor for each ordinance violation that is issued, and, in the discretion of the court, may be fined up to five hundred dollars ($500.00) and sentenced to up to ninety (90) days in jail, or both, for each ordinance violation that is issued.

(d) Upon conviction for violation of section 6-1-6(a) of this Code or section 6-1-6(e) of this Code, the defendant shall be sentenced to a term of imprisonment of not less than twenty (20) days and shall receive a fine of not less than two hundred and fifty dollars ($250.00).

(d) Where the provisions of this Chapter have been violated, any animal control officer, police officer, sheriff, or any person authorized by the Animal Care and Control Division may, pursuant to Section 6-1-2(e), seize the animal(s).

(e) In addition to any costs associated with seizure, impound, care, and vaccination of an unlicensed or unvaccinated dog borne by the Animal Care and Control Division described in Article V of this Code, any violation of Article V may be subject to the following penalties within the discretion of the Animal Care and Control Division:
(1) A fine of not more than one hundred dollars ($100.00) for the first offense;

(2) A fine of not more than two hundred dollars ($200.00) for a second offense occurring
within six (6) months of the first offense;

(3) A fine of up to five hundred dollars ($500.00) and relinquishment of any rights of
ownership of the dog for a third offense or later offense occurring within eighteen
(18) months of the first offense; and

(4) The mandatory spay or neuter of the dog in question, with associated costs to be paid
by the owner, if the dog is intact, after a second offense.

(f) All violations or penalties under subsection (e) shall be reviewable through the City
administrative hearings process. A person cited for violations of this chapter may file a written
request for a hearing to review the determination within ten-(10) days of receipt of the violation.

Sec. 6-1-13  6-1-10 – 6-1-20. Reserved.

ARTICLE IV. II. PROPER TREATMENT AND TRANSPORTATION OF ANIMALS

Sec. 6-4-1. – 6-2-1. Duty of care over animals; neglect; abandonment; overcrowding of
animals; failure to provide proper food, water, shelter, or sanitation.

(a) It shall be unlawful for any person to overcrowd rabbits, domestic fowl, poultry or any
other animals in any crate, box, or other receptacle.

(b) It shall be unlawful for any person to fail to provide proper food, water, shelter or sanitation
to rabbits, domestic fowl, poultry, or any other animal.

(a) All persons owning, harboring, or keeping an animal shall attend to and responsibly care
for the animal. Responsible care includes, but is not limited to, providing proper food, water,
shelter, sanitation, and medical treatment for injuries, parasites, and diseases that is sufficient to
maintain the animal in good health and minimize suffering for the animal according to its species,
age, and circumstances.
(b) No person having care, custody, or control of any animal shall neglect the animal, as defined by Section 6-1-1 of this Code.

(c) No person having care, custody, or control of any animal shall abandon or cause the abandonment of the animal, as defined by Section 6-1-1 of this Code.

Sec. 6-1-11. Maximum number of dogs and cats at residence; exceptions.

(a) It shall be unlawful for a person to own, harbor, keep, or shelter more than four (4) dogs over the age of four (4) months at a residence within the City, provided, that a person who owned, harbored, kept, or sheltered more than four (4) licensed dogs at his or her residence within the City prior to the effective date of the ordinance enacting this chapter of the Code may harbor, keep, or shelter more than four (4) licensed dogs at his or her residence until the death or the permanent transfer of ownership of each licensed dog that exceeds the maximum number of four (4) at the residence to a person or agency not at the residence.

(b) It shall be unlawful for a person to own, harbor, keep, or shelter more than four animals of the same species (4) cats over the age of four (4) months at a single residence within the City.

(c) No person shall overcrowd rabbits, domestic fowl, poultry or any other animals in any crate, box, or other receptacle.

(f) Whether or not authorized by Section 53 of Chapter IX, Animals, of the Michigan Penal Code, 1931 PA 328, being MCL 750.53, the Animal Care and Control Division is authorized to impound any animal which:

(1) Appears to have been neglected or cruelly treated, including but not limited to actions prohibited in Sections 49 through 51 of Chapter IX, Animals, of the Michigan Penal Code, 1931 PA 328, being MCL 750.49 through 750.51.

(2) Appears to have been abandoned.
Sec. 6-2-6. Dog restraint; prolonged tethering prohibited under certain circumstances.

(a) It shall be the duty and responsibility of the owner of any dog to actively monitor and
keep the dog on the owner’s property.

(b) It shall be unlawful for any owner to allow the dog to stray on public
or private property, other than the private property of the owner, unless held properly by a leash
or under restraint; provided, that police dogs accompanied by their handler while actively engaged
in activities for which such dogs are trained are not subject to this prohibition.

(c) No owner of a dog shall:

(1) Continuously tether a dog for more than three hours per day;

(2) Tether a dog using a tether made of anything but a coated steel cable at any length
less than three times the length of the dog as measured from the tip of its nose to the
base of its tail;

(3) Use a tether or any assembly or attachments that amount to more than 10% of the
dog’s weight or that significantly inhibit the movement of the dog within the tethered
area;

(4) Attach a dog to a tether by means of any implement other than a buckle-type collar
or harness, so as to risk injury, strangulation, or entanglement of the dog on fences,
trees, or other obstacles;

(5) Tether a dog without access to shade when sunlight is likely to cause overheating or
without access to appropriate shelter for insulation and protection against cold and
dampness when the atmospheric temperature falls below forty degrees Fahrenheit;

(6) Tether a dog without securing its food and water source to prevent its being tipped
over or spilled by the tether;
(7) Tether a dog in an open area that does not provide the dog protection from attack
from people or other animals;

(8) Tether a dog in an area composed entirely of bare earth subject to becoming wet and
muddy in the event of precipitation, and without any dry surface area for cover or
protection;

(9) Tether a dog under four months old;

(10) Tether more than one dog to a single tether;

(11) Tether a dog to a stationary object that would allow the dog to come within five feet
of any property line; or

(12) Tether a dog without a swivel attached or equipped on both ends.

Sec. 6-2-7, 6-2-3. Treatment of stray dogs.

(a) The Animal Care and Control Division is authorized to capture seize and impound any
stray dog (i) that is on public property, or (ii) that is on private property, in accordance with section
6-1-2(e), and to return, sell, transfer, or euthanize any such animal in accordance with this chapter.

(b) It shall be the duty of all persons to shall immediately notify the Animal Care and
Control Division regarding any stray dog under their control and, upon request, to shall turn over
any stray dog to the Animal Care and Control Division. The Animal Care and Control Division
shall impound, register, and promptly notify the owner of the dog, if any, at his or her-the owner’s
last known address.

(c) It shall be unlawful for any No person to shall harbor, hold, or keep for reward any dog
which has strayed upon the person’s premises or property-of-such-the person, or which has been
picked up on a public highway or other public place unaccompanied by its owner, or which has
been stolen from the owner.

(d) It shall be unlawful for any No person other than the owner to shall procure a license for
any dog which has strayed upon the person’s premises or property of such person, or which has
been picked up on a public highway or other public place unaccompanied by its owner, or which
has been stolen from the owner.

(e) The provisions of this section prohibiting the harboring, holding, keeping, and licensing of
a stray dog shall not apply to any nonprofit corporation that is organized for the purpose of
sheltering dogs, or to a legal purchaser of a dog from such organization.

Sec. 6-4-2. 6-2-4. Sale of baby chicks, baby rabbits, ducklings or other fowl as pets or
novelties prohibited.

Except as provided in Article VI of this Chapter, it shall be unlawful for any person to
sell, or offer for sale, barter, or give away baby chicks, baby rabbits, ducklings or other fowl
as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section
shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper
brooder facilities by hatcheries or businesses, including licensed pet shops, engaged in the selling
of the same to be raised for commercial purposes.

Sec. 6-4-3. 6-2-5. Locking or tying wings of fowl prohibited.

It shall be unlawful for any person to lock or tie the wings of any chicken, turkey,
goose, duck or other domesticated fowl for the purposes of weighing or handling or cause the same
to be done by another person.

Sec. 6-4-4. 6-2-6. Safe transportation of animals required.

It shall be unlawful for any person to transport an animal within the City in such
a manner that would likely endanger the life or limb of any such animal.

Sec. 6-4-5. 6-2-7. Segregation of animals of different kinds, sizes, and weights required for
transportation.

Where animals of different kinds, sizes, or weights are transported on the streets of the
City, partitions shall be erected in a transporting vehicle so that animals of separate kinds, sizes, or weights may be segregated.

Sec. 6-4-6. Seizure and impoundment of animals where article violated. [Ed. note: This section has been moved to Section 6-1-9(d); see also Section 6-2-1(f)]

Sec. 6-2-8 – 6-2-15. Reserved.

ARTICLE III. DANGEROUS ANIMALS

Sec. 6-4-8. 6-3-1. Dangerous animals investigation; determination by the administrator. Administrator of the animal control division or the Administrator's designee; appeal of dangerous animal determination; requirements for owners treatment of animals determined to be dangerous; violation; disposition of dangerous animals; treatment of animals to be dangerous; treatment of animals seized or surrendered prior to dangerous animal determination.

(a) Upon the receipt of a verifiable complaint from an individual or other report of an attack, a bite, a dogfight, an injury, an observation of threatening behavior, or other reason to cause a reasonable person to believe that a dog or other animal may be dangerous, the Animal Care and Control Division shall evaluate the complaint or report and, where the factual circumstances warrant, may conduct a dangerous animal investigation. Where practicable, the investigation shall include interviewing the complainant, any victim or victims of the attack or animal bite and any witness or witnesses who observed the subject animal, and visiting the scene where the reported incident took place.

(b) The Animal Care and Control Division investigator who is assigned to the dangerous animal investigation shall make a written recommendation concerning the incident and the animal and whether the Administrator of the Animal Control Division should issue a dangerous animal determination, including the factual basis for the recommendation. For purposes of making a
recommendation under this section of the Code, the investigating officer may review and rely upon
a written police report concerning an animal attack, bite, threatening behavior, or other observation
that an animal may be dangerous. Any animal that is the subject of a dangerous animal
investigation shall not be moved or harbored at another location, excepting transport to a licensed
veterinary facility for purposes of a rabies quarantine, or have its ownership transferred, pending
the outcome of the investigation or any hearings related to the determination of whether the animal
is a dangerous animal under this section.

(c) The Administrator of the Animal Control Division, or his or her designee, shall review the recommendation contained in the dangerous animal investigation, and, after such review, shall have the authority to issue a dangerous animal determination concerning the subject dog or animal. Upon the issuance of a dangerous animal determination, the Administrator of the Animal Control Division, or his or her designee, may order the owner of such animal to comply with any or all of the requirements contained in this section in order to protect the public health, safety, and welfare.

(d) Upon a dangerous animal determination, the Animal Care and Control Division shall provide the owner of the animal a written notification of the determination by certified first class mail or personal service. Within ten (10) days from the date of the receipt of the mailing or personal service of the notice of the dangerous animal determination, the owner of the animal may file a written request with the Animal Control Division for a hearing to review the determination at the 36th District Court. An administrative hearing shall be held as soon as possible, but neither earlier than five (5) days, nor later than thirty (30) days after the receipt of the animal owner's request for a hearing. The administrative hearing shall be held in accordance with the rules and procedures of the Detroit Health Department that are promulgated pursuant to section 2-111 of the 1997 Detroit City Charter. Pending any hearing or resolution on the dangerous animal determination, the animal
shall be confined in accordance with any the requirements imposed by the Administrator of the Animal Control Division, or his or her the Administrator’s designee, pursuant to section 6-1-9 6-3-2 of this Code, including confinement in a securely fenced or enclosed area. Where the owner fails to request a hearing within the ten-(10) day period after receipt of the notice, then the dangerous animal determination made by the Administrator of the Animal Control Division, or his or her the Administrator’s designee, shall become final, and the animal shall be deemed a dangerous animal under this section.

(c) Pursuant to section 6-3-8 of this Code, where the Administrator of the Animal Control Division, or his or her the Administrator’s designee, makes a dangerous animal determination under subsection (c) of this section and the animal has caused severe injury or death to any person or animal, the Administrator of the Animal Control Division, or his or her the Administrator’s designee, may seek an order from the 36th District Court for the euthanization of the animal—taking. The Administrator shall take into consideration the severity and the total circumstances of injury to person(s) or animal(s) prior to seeking review and shall abide by the procedures and judgment of the 36th District Court if a euthanization order is sought.

(f) Whenever an animal is seized or brought to the Animal Control Division for having attacked or bitten a person or another animal, during the pendency of a dangerous animal determination the Animal Care and Control Division shall hold and care for the animal. The animal shall not be released unless:

(1) The owner enters into an agreement with Administrator pursuant to Sec. 6-3-2 of this Code, or;

(2) An order from the 36th District Court compels release of the animal to the owner.

(g) No animal held by the Animal Care and Control Division for a dangerous animal determination shall be euthanized prior to receipt of an order from the 36th District Court.
Sec. 6-1-9. 6-3-2, Disposition of animals Animals determined to be dangerous; requirements for owners of animals determined to be dangerous; warning notice.

(a) In all cases where an animal is determined to be a dangerous animal under section 6-1-8 6-3-1 of this Code, and the animal is not euthanized, the Administrator of the Animal Control Division, or his or her the Administrator's designee, shall make the determination of whether the animal may be returned to its owner. As part of the terms of return, the Administrator shall order the owner to comply with the following requirements:

(1) The owner shall maintain proper license and up to date vaccinations for the animal as required under Article V of this Chapter;

(2) If the animal was capable of reproduction prior to the dangerous animal determination, the animal must be sterilized;

(3) When the animal is on the owner's property, the animal must be confined securely indoors or securely outdoors within a locked enclosure, pen, or structure that prevents the entry of any person and the escape of the confined animal. An enclosure, pen, or structure used to confine an animal determined to be dangerous shall be a minimum of six (6)-feet in height. Where the enclosure, pen, or structure used to confine the animal does not have a bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least two (2)-feet. Any enclosure, pen, or structure, including any fencing, used for the purpose of compliance with this section is required to be humane and provide protection from the weather for the animal. Every owner of an animal determined to be a dangerous animal shall allow inspection of the required enclosure, pen, or structure by the Animal Care and Control Division to ensure compliance with this section;

(4) While off the owner's property, an animal determined to be a dangerous animal
must be securely muzzled to prevent the possibility of biting and under restraint by a substantial chain or leash not exceeding six (6)-feet in length by a person eighteen (18) years of age or older who shall be is responsible for the animal at all such times when the animal is off the owner's property. The muzzle must be made and attached in a manner that does not cause injury to the animal or impair its vision or respiration, but must prevent the animal from biting any person or animal;

(5) The owner must permit the Animal Care and Control Division to perform an annual inspection of the animal and all enclosures, pens, or structures used to house the animal at a time suitable to the Department and the owner; and

(3)(6) The owner of the dangerous animal must post a warning notice on any premises where the animal is harbored, kept, or sheltered in a place conspicuously visible to the public stating in bold, black letters at least six (6)-inches in height: “WARNING! DANGEROUS ANIMALs. KEEP AWAY.”

(b) In addition, the Administrator of the Animal Control Division, or his or her the Administrator’s designee, may order the owner of an animal that is determined to be a dangerous animal under section 6-4-8 6-3-1 of this Code to comply with any one or more of the following requirements:

(1) The owner must confine the dangerous animal to the secure enclosure described in subsection (a)(1) of this section at all times and only allow the animal out the enclosure under the conditions set forth in subsection (a)(2) of this section, where necessary, to obtain veterinary care or to comply with a court order;

(2) The owner and the animal must complete a course of animal obedience training approved by the Animal Care and Control Division;

(3) The owner must have the animal sterilized purchase an approved form of external
identification from the Animal Care and Control Division, indicating to other
residents that the animal is dangerous; or

(4) The owner must obtain and maintain provide proof of current liability insurance in
an amount determined by the Administrator of the Animal Control Division, or his
or her the Administrator's designee, to be sufficient to compensate and protect the
public from any damage or harm caused by the animal.

(c) Any animal determined to be dangerous pursuant to section 6-1-8 of this Code which has
escaped from its locked enclosure, pen, or structure may be seized and impounded by the Animal
Control Division, whether or not the animal has been returned to its locked enclosure, pen, or
structure at the time of the pursuit or capture. Where impounded pursuant to this subsection, the
animal shall not be returned to the owner unless a court so orders.

Sec. 6-1-10. 6-3-3. Violations involving animals Animals determined to be dangerous; failure
to comply with requirements; seizure; euthanasia of animal.

(a) It shall be unlawful for any person who owns an animal that has been determined to be
dangerous under this chapter to shall fail to comply with any of the requirements of section 6-1-9
6-3-2 of this Code, or any order of the Administrator of the Animal Control Division, or his or her
assignee the Administrator's designee, as authorized under that section.

(b) Any animal which has been determined to be a dangerous animal under section 6-1-8 of
this Code, and is observed outside of and not confined within the enclosure required by section 6-
1-9(a)(1) of this Code, or muzzled and restrained as required by section 6-1-9(a)(2) of this Code,
or not in compliance with the requirements of section 6-1-9(b) of this Code, if applicable, may be
seized by any animal control officer or police officer, or other authorized agent, and impounded at
the owner's expense.

(e)(h) Where an animal is determined to be dangerous pursuant to section 6-1-8 6-3-1 of
this Code and thereafter attacks or injures a person or domesticated animal, or where the owner fails to comply with any order issued under section 6-3-2(a) or (b), the animal may be seized and impounded, at the owner’s expense, by the Animal Care and Control Division. The Administrator of the Animal Control Division, or his or her the Administrator’s designee, is authorized to order the owner of the animal to comply with any of the alternatives contained in section 6-1-9(b) 6-3-2(b) of this Code or seek an order from the 36th District Court for the euthanization of the animal.

Within ten (10) days of the date of the City’s notification that the animal will be euthanized, the owner of the animal may request an administrative hearing pursuant to section 6-3-8 of this Code.

(d) In addition to, or as an alternative to, the penalty which may be imposed for violation of this section, the court may order such dangerous animal euthanized upon showing, by a preponderance of the evidence, facts supporting the dangerous animal determination and that the animal has not been confined as required in subsection (a) of this section notwithstanding whether the animal is so confined at the time of the court hearing or was so confined at the time of impoundment.

Sec. 6-3-4 – 6-3-15. Reserved.

ARTICLE III. IV. ANIMAL CONTROL SHELTER

Sec. 6-3-1. 6-4-1. Establishment, operation, and maintenance of animal control shelter.

The City shall may establish, operate, and maintain an animal control shelter pursuant to the terms of this article and chapter. The Animal Control Shelter which shall be located in such place as may be designated by the City. The Animal Control Shelter shall be under the supervision of the Administrator of the Animal Control Division, who shall be responsible for the assignment of qualified persons to operate the shelter in accordance with the Michigan Pet Shops, Animal Control Shelters, and Animal Protection Shelters Act, 1969 PA 287, being MCL 287.331 et seq., and this chapter of the Code. The Animal Control Shelter shall have control of its operation and
be maintained in the interest of health and welfare of any animals captured or entrusted to its
custody or care.

Sec. 6-3-2, 6-4-2. Neutering and spaying clinic.

(a) Services of the a neutering and spaying clinic at the Detroit Animal Control Shelter shall
may be made available to residents of the City to have their dogs and cats neutered or spayed.
Priority The Animal Control Shelter shall give priority for such services shall be given to dogs and
cats owned by residents of the City who receive public assistance, or whose income consists
primarily of payments derived from the Social Security Act, the Railroad Retirement Act, or
benefits from the U.S. Department of Veteran’s Administration Affairs.

(b) The Administrator of the Animal Care and Control Division shall establish a fee schedule,
subject to City Council approval, for neutering and spaying that is based on an owner’s ability to
pay and the complexity of the surgery involved. The fee schedule shall be approved by resolution
of the City Council prior to the availability or delivery of any such services.

(c) The availability of this any services within this section shall be limited by the annual budget
approved by City Council for the neutering and spaying clinic.

Sec. 6-3-3, 6-4-3. Seizure, capture, impoundment, and harboring of stray animals.

(a) The Animal Control Shelter shall seize, capture, impound, and harbor all stray animals,
and all animals owned or harbored contrary to the provisions of this chapter; provided, however,
if the animal is on private property the provisions of section 6-1-2(c) shall apply.

Sec. 6-3-4. Records and reports [Ed. note: This section has been moved to Section 6-1-8]

Sec. 6-3-5, 6-4-4. Holding period for certain animals; notice to owner.

(a) A dog, cat, livestock, or other animal, not including a farm or wild animal, shall not be
euthanized, sold, or transferred within four (4) days after its capture or receipt by the Animal Care
and Control Division. Where a dog or cat has a collar, license or other evidence of ownership, its
owner shall be notified in writing, and the animal shall not be euthanized, sold, or transferred until
seven (7) days after the date of mailing the notice by certified and regular mail to the owner. A
record shall be kept of each identifiable dog, cat or other animal acquired, which indicates a basic
description of the animal, the date it was acquired, and under what circumstances. The record shall
also indicate the date the notice was mailed to the owner of the animal and whether the animal was
returned to the owner, euthanized, sold, or transferred.

(b) This section shall not apply to animals that are sick or injured to the extent the holding
period would cause undue suffering of the animal or to animals whose owners request that the
Animal Care and Control Division immediately euthanize an animal or otherwise dispose of the
animal.

Sec. 6-3-6, 6-4-5. Redemption and release fees.

(a) A release fee shall be required to be paid to the Animal Control Shelter by each person
claiming ownership or buying any dog, cat or other animal that is in the custody of the Animal
Control Shelter; provided, that an owner reclaiming his or her stray dog, on more than one (1)
occasion, shall be charged an additional fee for multiple releases. All release fees shall be posted
at the Animal Control Shelter.

(b) Any animal that has been confined for rabies observation, or has been confiscated by the
Animal Care and Control Division or by the Police Department and impounded as a result of
alleged unlawful activity or as a result of eviction from a premises, shall not be released from the
Animal Control Shelter unless the owner or person lawfully claiming such the animal shall pay to
the Animal Control Shelter a service charge for the care, custody and feeding of such the animal
for each impoundment.

(c) The fee schedule for services rendered under this section shall be posted at the Animal
Control Shelter, and be subject to review and adoption by the Detroit City Council.
Sec. 6-3-7. 6-4-6. Disposition upon failure to redeem; sale or transfer or live animals for research prohibited; neutering, spaying, licensing and vaccination prior to release.

(a) All animals not claimed, after being impounded, and released within four (4) or seven (7) days, as prescribed by section 6-3-5-6-4-4 of this Code, may be euthanized by the Animal Control Shelter.

(b) The Animal Control Shelter shall not knowingly sell or transfer any unclaimed live animal to any organization or person for the purpose of research.

(c) During such times as a neutering and spaying clinic shall exist at the Animal Control Shelter, all dogs and cats sold by the shelter shall be neutered or spayed at the shelter, before being released to the purchaser. A reasonable fee shall be charged for this service and shall be paid to the Animal Control Shelter prior to the surgical procedure taking place. The purchaser must agree in writing to any and all conditions prescribed by the Animal Control Shelter concerning the entire neutering or spaying process.

(d) All dogs sold by the Animal Control Shelter shall be currently licensed and vaccinated against rabies before release.

Sec. 6-3-8. Treatment of vicious animals or certain animals determined to be dangerous; rebuttable presumption that the dog is vicious; disposition.

(a) Whenever an animal is brought to the Animal Control Shelter for having bitten a person, and where it appears that such dog, cat, or other animal is a vicious animal, as defined in section 6-1-1 of this Code, or has been determined to be a dangerous animal pursuant to Section 6-1-8 of this Code, the Administrator of the Animal Control Division may cause such animal to be euthanized as a vicious or dangerous animal after the animal has been held a sufficient length of time to meet the requirements under this chapter for investigation and a hearing, if any, on the disposition of the animal. Any animal subject to this section shall not be euthanized until after
written notification has been given to the owner of the animal.

(b) There is a rebuttable presumption that an animal is a vicious animal where the animal attacks, bites, or scratches, without provocation, any domesticated animal or any person, other than an animal on private property where the animal is kept, harbored or maintained, or an individual unlawful on the property of the animal’s owner.

(c) Within ten (10) days of the date of the notification that the animal will be euthanized, the owner of such animal may request a hearing before an administrative hearing officer. The hearing shall be conducted in accordance with the rules and procedures for the Detroit Health Department hearings that have been promulgated pursuant to section 2-111 of the 1997 Detroit City Charter and this chapter. [Ed. note: Repealed.]

Sec. 6-3-9. Disposal of Dead Animals. [Ed. note: This section has been moved to See. 6-1-6.]

Sec. 6-4-7 – 6-4-15. Reserved.

ARTICLE H. V. LICENSING AND CONTROL OF DOGS

Sec. 6-2-1. 6-5-1. Dog license requirements; rabies vaccination requirements; limitation on number of licenses issues to a residence; unlicensed dogs declared as public nuisances; abatement; disposition of licensed dogs; impoundment of stray and unlicensed dogs.

(a) It shall be unlawful for any no person to shall own, harbor, keep, or shelter a dog more than four (4) months of age within the City without purchasing a license for the dog, in accordance with the requirements of this chapter, from the Animal Care and Control Division, a city agency or department authorized to accept payment for a City dog license, or a nonprofit organization authorized to accept payment for a City dog license.

(b) In accordance with section 6-1-11(e) 6-5-4(a) of this Code, the Animal Care and Control Division, or any City agency or department authorized to accept payment for a dog license, or a nonprofit organization authorized to accept payment for a City dog license, or a nonprofit
organization authorized to accept payment for a City dog license, shall not issue more than four
(4) dog licenses for a residence within the City unless the applicant for a license presents a signed
notarized statement indicating whether one or more dogs previously licensed at the residence:
(1) Has died; or
(2) Has been sold or has been permanently transferred to a person not at the same
residence or to an agency or organization; or
(3) Has escaped or been reported stolen and has not been located by the owner for at
least a two (2) month period.
(c) The Animal Care and Control Division is authorized to impound, sell, euthanize, or dispose
of any unlicensed dog consistent with the Michigan Dog Law of 1919, being MCL 28.261 et seq.,
and this chapter of the Code. Where any stray dog is captured by the Animal Care and Control
Division and is duly licensed in compliance with this chapter, the dog may be released to the owner
upon payment of any fees, including impoundment charges; provided that the dog has not been
declared a public nuisance under section 6-1-5 of this Code, or determined to be a dangerous
animal pursuant to section 6-1-8-6-3-1 of this Code, and the release of the dog to the owner would
be consistent with protecting public health and safety.
(d) Where any stray dog is captured by the Animal Care and Control Division and is not duly
licensed in compliance with this chapter, the dog shall only be released to its owner upon payment
of license fee, and either:
(1) Proof of rabies vaccination as described in Sec. 6-5-2 of this Code; or
(2) Payment of costs associated with vaccination performed by the Animal Care and
Control Division; and
(3) Settlement of any other violations or penalties described in Sec. 6-5-7 of this Code.
Sec. 6-1-7. 6-5-2. Rabies control requirements for dogs over the age of four (4) months;
waiver of vaccination fee.

(a) Any dog over the age of four (4) months that is owned, harbored, kept, or sheltered within the City shall at all times be vaccinated against rabies, unless a written statement, renewable each year by a veterinarian is produced by the owner showing that the dog should not be vaccinated. Any owner or person harboring, keeping, or sheltering a dog within the City shall have the duty, upon demand by the Animal Care and Control Division or any authorized agent of the Animal Care and Control Division, to produce a proof of vaccination against rabies. A proof of vaccination against rabies shall consist of a written certificate or statement signed by a licensed veterinarian, and shall state the owner's name and address, a description of the dog, including the breed, sex, name, and age of the dog, the date of vaccination, the type of vaccine used, and the date re-vaccination is due. One (+) copy of such the certificate or statement shall be forwarded by the veterinarian signing such document to the Animal Care and Control Division in a manner as prescribed by the City.

(b) The Animal Care and Control Division shall vaccinate a dog, without payment of a fee, where:

(1) The owner, as determined by the Animal Care and Control Division, is an indigent person who is unable to pay; or

(2) The owner presents proof of the current receipt of state or local public assistance; or

(3) The owner's income consists entirely of benefits under the social security act, or the railroad retirement act, or veteran's benefits; provided that this the waiver of payment for a dog vaccination shall apply to only one (+) dog per residence.

Sec. 6-2-2. 6-5-3. Dogs within the City for less than thirty-(30) days; exception to the requirement for license; proof of rabies vaccination.

The dog license requirements of section 6-2-1-6-5-1 of this Code shall not apply to any dog
temporarily within the City for a period of less than thirty-(30) consecutive days where the dog is
kept, at all times, within a building, enclosure or vehicle, or is under restraint as defined in section
6-1-1 of this Code; provided that upon demand of an officer of the Animal Care and Control
Division or of the police Police department Department, the owner shall provide proof of
vaccination against rabies for any dog temporarily within the City.

Sec. 6-2-3. 6-5-4. Dog license application; issuance and expiration of licenses.

(a) An application for a City dog license may be filed with the Animal Care and Control
Division, or with any authorized City agency or department, or with a nonprofit organization
authorized by the City to issue a dog license, by a person who present a valid Michigan driver's
license or a valid Michigan government issued identification card.

(b) The application for a dog license shall state:

(1) The full name of the owner of the dog;

(2) The age, breed, color, markings, name, and sex of the dog; and

(3) The name and address of the last previous owner of the dog, if applicable.

(c) The application for a dog 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,
and signed by a licensed veterinarian, for the dog being licensed. A license for a dog may only be
issued without such certification in accordance with section 6-1-7-6-5-2 of this Code. A license
shall not be issued where the dog's current rabies vaccination will expire more than one (1) month
prior to the date on which the license would expire.

(d) Where the required application for a dog license has been completed and the license fee
paid, the Animal Care and Control Division, or any authorized City agency or department, or
nonprofit organization authorized by the City, shall cause to be issued to an applicant an annual
license to harbor, keep, or shelter a dog within the City for the term commencing at the date of the
issuance of the license and expiring one (1) year from the date of the rabies vaccination.

(c) All dog licenses that are required under this article for any leader-dog that is a service animal used by a blind person, or any other specially-trained dog which provides assistance to a disabled or physically-challenged person, shall be issued for the life of the dog.

Sec. 6-2-4. 6-5-5. Dog license fees.

(a) The Animal Care and Control Division, any authorized City agency or department, or any nonprofit organization authorized to issue a City dog license, shall at the time of and before issuing a dog license and for each renewal, collect from each applicant a license fee, as established by the Administrator of the Animal Control Division and approved by City Council, for each neutered or spayed dog with a surcharge to be established for each dog not neutered or spayed. When the license is issued from the Michigan Humane Society, the Anti-Cruelty Association Inc. or other a nonprofit organization authorized to issue a City dog license, such the organization is authorized to deduct a portion designated by the City for each license so issued to pay such the organization for the administrative costs incurred, before forwarding the balance of the license fee to the Animal Care and Control Division.

(b) License fee schedules shall be posted at all locations where City dog licenses are issued.

(c) Dog licenses for leader dogs used by a blind person, or for any other specially-trained dog which provides assistance to a disabled or physically-challenged person, dogs that are service animals shall be issued without any charge to the owner.

Sec. 6-2-5. 6-5-6. License tags; license and tags not transferrable. Use transferable; use of microchips; transfer of microchip registration.

(a) The dog license issued by the Animal Care and Control Division shall consist of a metal tag which shall have stamped or engraved thereon the year issued, together with the words “Detroit License”. Before delivery, all such metal-The license tags delivered shall be approved by the
Animal Care and Control Division before delivery. The shape and style of such the license tags shall be changed annually. License tags shall be attached to a substantial collar harness of durable material. Other than those provided for in this section, no official license tags shall be used on the collar or harness of any dog. This requirement does not prohibit the placement of private identification tags on any animal.

(b) It shall be unlawful for a No person to shall remove the collar or harness, with the license tag attached, from any dog without consent of the owner or the party to whom the license for the dog is issued; provided, that an animal control officer may remove a collar or harness from an impounded dog for the purpose of identification, or for the safety, of the dog.

(c) A collar or harness, with license tag attached, shall be worn at all times by any a dog, when such the dog is on any street, highway, or public place within the City.

(d) Upon satisfactory proof that the license tag, as required in this section, has been lost, the Animal Care and Control Division, or other agency authorized by the City to issue dog licenses, is authorized to issue a duplicate license tag upon the payment of a license replacement fee.

(e) Dog licenses or license tags issued under this section are not transferrable between animals dogs or between owners.

(f) The Animal Care and Control Division is authorized to implant and utilize microchips to identify licensed dogs and to collect a fee for such services.

(g) Any person owning any a dog which has been implanted with a microchip pursuant to this section shall transfer in writing the microchip registration with the Animal Care and Control Division upon the barter, gift, sale, trade or other transfer of the animal dog.

Sec. 6-2-6. — Dog restraint. [Ed. note: This section has been moved to Sec. 6-2-2.]

Sec. 6-2-7. — Treatment of stray dogs. [Ed. note: This section has been moved to Sec. 6-2-3.]

Sec. 6-5-7 — 6-5-10. Reserved.
ARTICLE VI. RESERVED

ARTICLE VI. VII. PET SHOPS

DIVISION I. GENERALLY

Sec. 6-5-1. 6-7-1. Pet shop kennels or cages to be approved.

All animals offered for sale by a pet shop shall be confined in kennels or cages that have been approved by the Michigan Department of Agriculture and Rural Development and by the Detroit Health Department.

Sec. 6-5-2. 6-7-2. Pet shop requirements.

(a) A pet shop is required to may operate only in a permanent building or structure.

(b) The permanent building or structure used in the operation of a pet shop shall be provided with proper sanitary refuse receptacles and with floors that can be properly cleansed and flushed.

(c) The operator of a pet shop must conform to any the rules and regulations of the Michigan Department of Agriculture and Rural Development and of the Detroit Health Department concerning the operation of a pet shop.

Sec. 6-5-3. 6-7-3. Sale of diseased, injured, maimed, or sick animals prohibited.

It shall be unlawful for any person operating a pet shop within the City to sell, or offer for sale, any diseased, injured, maimed, or sick animals.

Sec. 6-5-4. 6-7-4. Injured or sick animals to be reported; care by a licensed veterinarian or others.

All diseased, injured, maimed, or sick animals must be reported immediately by the person to whom a license to operate a pet shop is issued under this article to the Detroit Health Department, and thereafter, such animal shall be under the control of a licensed veterinarian or other person duly authorized by the Detroit Health Department until the animal is permanently cured, healed, or euthanized.
Sec. 6-5-5, 6-7-5. Misrepresentations as to health or pedigree.

It shall be unlawful for any person operating a pet shop licensed under this article to misrepresent in any way the health condition or pedigree of any animal offered for sale or to refuse to issue to the purchaser a written guarantee of the health or pedigree of the animal at the time of sale where requested to do so.

Sec. 6-5-6, 6-7-6. Humane treatment of animals.

(a) Every pet shop licensed under this article shall treat all animals in its care, custody or possession humanely and in accordance with the rules and regulations of the Detroit Health Department and of the Michigan Department of Agriculture and Rural Development.

(b) It shall be unlawful for a pet shop licensed under this article to fail or refuse to humanely treat any animal in its care, custody or possession. In addition to any other penalties which may be imposed for violation of this section, a pet shop may have its City license suspended, revoked, or not renewed in accordance with Chapter 30 of this Code.

Sec. 6-5-7, 6-7-7. Approval of health-department Department; agreement by applicants and licensees.

(a) Upon application, the Detroit Health Department is authorized, after determining that the establishment or place where a pet shop is conducted or intended to be conducted is a proper place, to approve the operation, or the continuing operation, or a pet shop at a specified location. An approval shall not be made until the Health Department determines by inspection that the establishment or place meets all the requirements of this article.

(b) Applications for the required approval from the Detroit Health Department shall state that the building or structure where the applicant conducts, or intends to conduct, a pet shop meets City requirements for a pet shop, shall provide all information required by the Detroit Health Department, and shall contain an agreement by which the applicant consents to the inspection of
any part of the premises used in connection with operating the pet shop by the Detroit-Health
Department, or any person authorized by the Michigan Department of Agriculture and Rural
Development, to ensure compliance with this Code or any rule and regulation of the Michigan
Department of Agriculture and Rural Development or of the Detroit-Health Department, which
governs the operation of a pet shop.

Sec. 6-5-8 6-7-8 - 6-5-20, 6-7-20. Reserved.

DIVISION 2. LICENSE

Sec. 6-5-21, 6-7-21. License required.

(a) It shall be unlawful for any No person to shall operate, or cause to be operated, any pet
shop within the City without first having obtained a license from the City of Detroit.

(b) A pet shop license must be renewed annually in accordance with the provisions of Chapter
30 of this Code.

Sec. 6-5-22, 6-7-22. Application; information required; action upon application.

(a) At the time of application or renewal, every person who desires to obtain a pet shop license
that is required by this division shall file a written application with the City Business License
Center on a form that is provided by the City. In addition to the other required information, the
applicant shall provide:

(1) The complete name, address, and age, of the applicant;

(2) Where the applicant is a corporation:

a. The complete and accurate corporate name;

b. When and where such corporation was incorporated;

c. The complete names and addresses of officers, directors, managers, and other
persons of authority to bind the corporation; and

d. The complete name and address of the registered agent.
(3) Where the applicant is a partnership, the complete names and addresses of the partners;

(4) Where the applicant conducts business under a trade or assumed name:
   a. The complete and full trade name; and
   b. The complete name(s) of the person(s) doing business

(5) That the applicant or the officers, directors, managers, or-and other persons with authority to bind the corporation, or the partners are at least eighteen (18) years of age;

(6) That the applicant or the officers, directors; managers, and other persons with authority to bind the corporation, or the partners have not been convicted either of any violations of the provisions of this division for a period of two (2) years prior to the application, or of any felony offense;

(7) The complete names and addresses of all parties that have a financial interest in the pet shop;

(8) Where applicable, the complete name and address of the owner of the premises where the pet shop is located; and

(9) The location of the proposed pet shop.

(b) Upon receipt of an application for a pet shop license, the Business License Center shall take action in accordance with Chapter 30 of this Code.

Sec. 6-5-23. 6-7-23. Application and license fee.

(a) A non-refundable fee shall be charged for the processing and issuance of a license under this division. In accordance with Chapter 30 of this Code, this fee shall be established based upon the cost of issuance and administration of the licensing regulations, and shall be approved by the City Council. The fee shall be posted on a schedule at the Business License Center.
(b) A fee shall be charged each new applicant and any current licensee who seeks to open any
new pet shop.

(c) Upon expiration of a current license, each licensee shall pay the annual fee for a license
renewal.

(d) Upon payment of the fee and receipt of the required approvals from the Department, the
Buildings, and Safety Engineering and Environmental Department, the Fire Department, the
Finance Department, the Detroit Health Department and the Police Department, an annual City
license shall be issued to the applicant.

Sec. 6-5-24. 6-7-24. Requirements for issuance of a city license to operate a pet shop.

Before the City shall issue a pet shop license, the applicant shall furnish to the issuing
department:

(1) An approval from the Detroit Health Department, stating that the building or
structure where the applicant operates, or intends to operate a pet shop, meets all of
the requirements for a pet shop contained in sections 6-5-1 6-7-1 and 6-5-2 6-7-2 of
this Code; and

(2) Proof of the issuance of a license from the Michigan Department of Agriculture and
Rural Development to the applicant to operate a pet shop at the location.

Sec. 6-5-25. 6-7-25. Additional inspection and approval of premises; structural and fire safety
requirements.

(a) Upon application and before any pet shop license shall be issued or renewed, the
application shall be referred to the appropriate divisions of the Buildings, and Safety Engineering
and Environmental Department and to the Detroit Fire Marshal, who each shall cause an inspection
to be made of the premises of the pet shop.

(b) Upon full compliance with all pertinent laws, rules, and regulations of the Department, the
Buildings, and Safety Engineering and Environmental Department, the Detroit Health Department, and the Fire Department, including the following requirements, such the departments shall certify that the applicant is approved to be licensed:

1. Building, electrical, mechanical, plumbing, and property maintenance codes. The premises of the licensed establishment shall be in compliance with the Michigan Building Code, the Michigan Electrical Code, the Michigan Mechanical Code, the Michigan Plumbing Code, and with the Detroit Property Maintenance Code; and

2. Fire protection and safety. The premises of the licensed establishment shall meet the requirements and limitations of the Detroit Fire Prevention Code, being Chapter 19, Article I, of this Code.

Sec. 6-5-26. Investigation required.

(a) Upon application and before any license required by this division shall be issued or renewed, the issuing department shall refer such application to the City Finance Director who shall cause an investigation to be completed to determine whether any property tax, income tax, and/or special assessments are unpaid, outstanding and/or delinquent.

(b) A pet shop license shall not be issued or renewed by the City until the Finance Director has given his or her written confirmation that the applicant is not in arrears for taxes, or assessments, which are delineated in subsection (a) of this section.

Sec. 6-5-27. License posting required; non-transferable.

(a) Upon issuance by the Business License Center and after receipt by the applicant, the licensee shall post the pet shop license shall be posted at all times by the licensee inside the licensed premises in a conspicuous location near the entrance.

(b) All pet shop licenses that are issued under this division shall not be transferable.

Sec. 6-5-28. Expiration and renewal dates.
(a) All pet shop licenses that are issued pursuant to this division shall expire on April 30th of each year.

(b) All applications for renewal of pet shop license shall be filed before May 1st of each year.

Sec. 6-5-29. 6-7-29. License suspension, revocation, or denial of renewal.

A license that is issued under this division may be suspended, revoked, or denied renewal in accordance with Chapter 30 of this Code.

Sec. 6-5-30. 6-7-30 - 6-7-40. Reserved.

Section 2. This ordinance may also be known as the “Xavier Strickland Memorial Animal Control Ordinance” to honor the life and memory of Xavier Strickland, who was fatally injured by dangerous dogs, and to demonstrate the commitment by the City of Detroit that the circumstances which led to Xavier Strickland’s tragic death are adequately and permanently corrected for the safety and peace of mind of residents of the City of Detroit.

Section 3. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 5. In the event this ordinance is passed by two-thirds (2/3) majority of City Council Member serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective on the thirtieth (30) day after enactment, or on the first business day thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

Approved as to form:

[Signature]

Melvin Butch Hollowell
Corporation Counsel

A16-00773 45 02/16/2017