

S U M M A R Y

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.

1 **BY COUNCIL MEMBER _____**

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

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

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

17 **CHAPTER 6. ANIMAL CONTROL, REGULATION, AND CARE**

18 **ARTICLE I. IN GENERAL**

19 **Sec. 6-1-1. Definitions.**

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

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

24 *Administrator* means the individual with direct supervisory control over the Animal Care and

1 Control Division.

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

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

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

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

12 ~~City~~ means the City of Detroit.

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

16 (1) Has without provocation attacked, bitten, or otherwise caused injury to a person; or

17 (2) Has without provocation attacked, bitten, or otherwise caused injury to another
18 domesticated animal; or

19 (3) Has on one (1) or more occasions, and without provocation, chased or approached
20 any person on any public property, or on any private place that is not the property of
21 the animal's owner, in an apparent attempt to attack or injure the person.

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

24 *Domesticated animal* means any animal which is accustomed to living in an environment

1 managed by humans and is suitable for the purpose of human companionship or service.

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

5 *Impounded* means an animal confined, kept, and maintained by the Animal Care and
6 Control Division.

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

10 *Licensed dog* means a dog currently licensed by the Animal Care and Control Division.

11 *Licensee* means any person or premises licensed under this chapter.

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

14 *Neuter* means to make a male animal incapable of reproducing.

15 *Offered for sale* means all animals found on the premises indicated on the license or
16 licenses of a pet shop, except those of diseased, maimed, or sick animals that are housed in an
17 entirely separate part of the premises or in cages or kennels with a "not for sale" sign attached to
18 the front of each cage or kennel.

19 *Owner* means, when applied to the proprietorship of an animal, every person having a right
20 of property in the animal, every person who keeps or harbors an animal, or has an animal in ~~his or~~
21 ~~her~~ the person's care or control, and every person who knowingly permits an animal to remain at
22 or about any premises occupied by the person.

23 *Pet shop* means any building, enclosure, lot, place, or structure, where birds, cats, dogs,
24 fish, ~~monkeys~~, rabbits, and other animals are offered for sale to the public.

1 *Residence* means an apartment, dwelling, flat, house, or other building or structure where
2 one (1) or more persons reside.

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

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

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

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

13 *Spay* means to make a female animal incapable of reproducing.

14 ~~*Sterilization*~~ *Sterilize* means to neuter or spay an animal.

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

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

20 ~~*Vicious animal* means any animal which:~~

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

23 ~~(2) Has inflicted two (2) or more bites upon one (1) person causing serious injury to the~~
24 ~~person; or~~

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

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

6 (1) contiguous, or

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

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

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

14 *Urban farm animal* means livestock or fowl permitted to be raised or kept in accordance with
15 Article VI of this Chapter.

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

19 (1) contiguous, or

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

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

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

24 *Wild animal* means any animal that generally lives in its original and natural habitat, and

1 is not normally considered a domesticated animal.

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

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

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

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

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

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

24 (1) Requirements for educational, physical, mental, and moral fitness; and

- 1 (2) Proof of A a minimum course of study of not less than ~~one hundred~~ (100)
2 instructional hours ~~as prescribed~~ approved by the Michigan Department of
3 Agriculture and Rural Development; and
4 (3) A valid driver's license.

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

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

14 (e) The following provisions shall apply regarding the right of entry upon, onto, or into
15 property:

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

- 21 a. Any residence, private property, or vehicle within the City for the purpose of
22 seizing any animal; or
23 b. Any residence, private property, or vehicle within the City for the purpose of
24 examining any animal suspected of having rabies, having been exposed to

1 rabies, or having attacked or bitten a person or any animal.

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

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

6 b. at least one of the following:

7 1. owner consent, or

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

9 3. entry for the purpose of assisting other law enforcement, public safety, or
10 other personnel having a lawful right of entry, or

11 4. exigent circumstances in which the public health, safety, or the health or
12 safety of one or more animals, is subject to imminent danger,

13 (3) The following provisions shall also apply:

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

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

22 c. Any owner aggrieved by the seizure of an animal from private property shall
23 have the right, within 72 hours of the seizure, to meet with the Administrator or
24 the Administrator's designee and explain any mitigating circumstances. Subject

1 to the provisions of this Chapter governing dangerous animals and animals
2 possibly exposed to rabies, the Administrator or the Administrator's designee
3 shall have the authority to exercise discretion to direct the immediate return of
4 the animal and waive fees relating to the seizure of the animal.

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

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

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

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

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

1 section.

2 (k)In accordance with the Michigan Public Health Code, 1978 PA 368, being MCL
3 333.1101 et seq., and section 2-111 of the ~~1997~~ 2012 Detroit City Charter, the ~~Detroit Health~~
4 Department shall adopt and modify administrative regulations, rules, and procedures, as
5 necessary, for the administration of this chapter, including hearing procedures for resolving
6 matters in dispute.

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

10 (a)~~It shall be unlawful for a~~ Except as provided in Article VI of this Chapter, no person to
11 shall own, harbor, keep, or maintain, sell, or transfer any farm animal, or any wild animal, on their
12 premises or at a public place within the City; provided, that farm animals or wild animals may be
13 kept in circuses, zoos, ~~or~~ laboratories, or nonprofit organizations for educational purposes, subject
14 to the approval of the City, where the care or custody is under the care of a trained and qualified
15 animal attendant at all times, whose responsibility shall be to see that such animals are securely
16 under restraint.

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

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

23 **Sec. 6-1-4. Owning, harboring, keeping, or maintaining of reptiles or serpents prohibited;**
24 **exceptions; separate violations for each reptile or serpent.**

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

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

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

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

16 (a) Any animal which:

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

19 (2) Bites a person; or

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

22 (4) Defecates, digs, or urinates upon any building, lawn, plant, shrub, tree, or any other
23 public private property, other than the property of the owner,

24 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~~ No 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~~ the 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~~ No person ~~to~~ shall 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 or 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~~

1 ~~Division~~, or any other authorized government official.

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

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

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

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

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

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

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

24 (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 or 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.

~~Sec. 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~~

1 ~~known to have been afflicted with rabies.~~

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

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

18 (d) ~~Upon investigation and subsequent determination by the Animal Control Division that a~~
19 ~~person has been attacked, bitten, or scratched by an animal, any person who owns, harbors, keeps~~
20 ~~or shelters such an animal shall have the duty and responsibility to surrender the animal, upon~~
21 ~~demand, to the Animal Control Division, or upon approval of the Animal Control Division, to a~~
22 ~~licensed veterinarian or any nonprofit organization licensed for the purpose of sheltering animals,~~
23 ~~for the purpose of detention and clinical observation for rabies. The observation period shall be for~~
24 ~~a period of not less than ten (10) days from the date of the attack, bite or scratch. The owner of the~~

1 animal shall bear the cost of the care, feeding, and maintenance of a quarantined animal. In cases
2 of animal pregnancy or illness, animals may be quarantined, at the discretion of the Animal Control
3 Division, on the owner's property. Any animal subject to quarantine shall not be vaccinated before
4 the quarantine period has expired.

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

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

18 **Sec. 6-1-7. Rabies Control requirements for dogs over the age of four (4) months; waiver of**
19 **vaccination fee.** *[Ed. note: This section has been moved to section 6-5-2]*

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

24 **Sec. 6-1-9 Animals determined to be dangerous animals; requirements; warning notice.** *[Ed.*

1 ~~note: This section has been moved to section 6-3-2]~~

2 ~~Sec. 6-1-10 Animals determined to be dangerous; failure to comply with requirements;~~

3 ~~seizure; euthanization of animal. [Ed. note: This section has been moved to section 6-3-3]~~

4 ~~Sec. 6-1-11. Maximum number of dogs and cats at residence; exceptions. [Ed. note: This~~

5 ~~section has been moved to section 6-2-1, subsection(d)]~~

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

7 (a) ~~It shall be unlawful for any~~ No person ~~to~~ shall violate any provision of this chapter, or ~~to~~
8 aid and abet another to violate any such provision.

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

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

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

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

21 (e) In addition to any costs associated with seizure, impound, care, and vaccination of an
22 unlicensed or unvaccinated dog borne by the Animal Care and Control Division described in
23 Article V of this Code, any violation of Article V may be subject to the following penalties within
24 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.

1 (b)No person having care, custody, or control of any animal shall neglect the animal, as
2 defined by Section 6-1-1 of this Code.

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

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

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

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

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

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

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

24 (2) Appears to have been abandoned.

1 (2) Appears to have been abandoned.

2 **Sec. 6-2-6. 6-2-2. Dog restraint; prolonged tethering prohibited under certain circumstances.**

3 (a) ~~It shall be~~ is the duty and responsibility of the owner of ~~any~~ a dog to actively monitor and
4 keep the dog on the owner's property.

5 (b) ~~It shall be unlawful for any~~ No owner ~~to~~ of a dog shall allow ~~any~~ the dog to stray on public
6 or private property, other than the private property of the owner, unless held properly by a leash
7 or under restraint; provided, that police dogs accompanied by their handler while actively engaged
8 in activities for which such dogs are trained are not subject to this prohibition.

9 (c) No owner of a dog shall:

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

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

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

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

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

23 (6) Tether a dog without securing its food and water source to prevent its being tipped
24 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~~ 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

1 any dog which has strayed upon the person's premises or property of such person, or which has
2 been picked up on a public highway or other public place unaccompanied by its owner, or which
3 has been stolen from the owner.

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

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

9 Except as provided in Article VI of this Chapter, it shall be unlawful for any ~~no~~ person ~~to~~
10 shall sell, or offer for sale, barter, or give away baby chicks, baby rabbits, ducklings or other fowl
11 as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This section
12 shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper
13 brooder facilities by hatcheries or businesses, including licensed pet shops, engaged in the selling
14 of the same to be raised for commercial purposes.

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

16 ~~It shall be unlawful for any~~ No person ~~to~~ shall lock or tie the wings of any chicken, turkey,
17 goose, duck or other domesticated fowl for the purposes of weighing or handling or cause the same
18 to be done by another person.

19 **Sec. ~~6-4-4.~~ 6-2-6. Safe transportation of animals required.**

20 ~~It shall be unlawful for any~~ No person ~~to~~ shall transport an animal within the City in such
21 a manner that would likely endanger the life or limb of any such animal.

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

24 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. 6-1-8. 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

1 recommendation under this section of the Code, the investigating officer may review and rely upon
2 a written police report concerning an animal attack, bite, threatening behavior, or other observation
3 that an animal may be dangerous. Any animal that is the subject of a dangerous animal
4 investigation shall not be moved or harbored at another location, excepting transport to a licensed
5 veterinary facility for purposes of a rabies quarantine, or have its ownership transferred, pending
6 the outcome of the investigation or any hearings related to the determination of whether the animal
7 is a dangerous animal under this section.

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

15 (d) Upon a dangerous animal determination, the Animal Care and Control Division shall
16 provide the owner of the animal a written notification of the determination by ~~certified~~ first class
17 ~~mail or personal service~~. Within ~~ten (10)~~ days from the date of the receipt of the mailing ~~or personal~~
18 ~~service of the notice of the dangerous animal determination~~, the owner of the animal may file a
19 written request ~~with the Animal Control Division~~ for a hearing to review the determination at the
20 36th District Court. ~~An administrative hearing shall be held as soon as possible, but neither earlier~~
21 ~~than five (5) days, not later than thirty (30) days after the receipt of the animal owner's request for~~
22 ~~a hearing. The administrative hearing shall be held in accordance with the rules and procedures of~~
23 ~~the Detroit Health Department that are promulgated pursuant to section 2-111 of the 1997 Detroit~~
24 ~~City Charter.~~ Pending any hearing or resolution on the dangerous animal determination, the animal

1 shall be confined in accordance with ~~any the~~ requirements imposed by the Administrator ~~of the~~
2 ~~Animal Control Division~~, or ~~his or her~~ the Administrator's designee, pursuant to section ~~6-1-9 6-~~
3 3-2 of this Code, including confinement in a securely fenced or enclosed area. Where the owner
4 fails to request a hearing within the ~~ten (10)~~ day period after receipt of the notice, then the
5 dangerous animal determination made by the Administrator ~~of the Animal Control Division~~, or ~~his~~
6 ~~or her~~ the Administrator's designee, shall become final, and the animal shall be deemed a
7 dangerous animal under this section.

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

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

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

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

23 (g) No animal held by the Animal Care and Control Division for a dangerous animal
24 determination shall be euthanized prior to receipt of an order from the 36th District Court.

1 **Sec. ~~6-1-9, 6-3-2.~~ Disposition of animals Animals determined to be dangerous; requirements**
2 **for owners of animals determined to be dangerous; warning notice.**

3 (a) In all cases where an animal is determined to be a dangerous animal under section ~~6-1-8 6-~~
4 ~~3-1~~ of this Code, and the animal is not euthanized, the Administrator ~~of the Animal Control~~
5 ~~Division, or his or her~~ the Administrator's designee, shall make the determination of whether the
6 animal may be returned to its owner. As part of the terms of return, the Administrator shall order
7 the owner to comply with the following requirements:

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

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

12 ~~(1)~~(3) When the animal is on the owner's property, the animal must be confined securely
13 indoors or securely outdoors within a locked enclosure, pen, or structure that prevents
14 the entry of any person and the escape of the confined animal. An enclosure, pen, or
15 structure used to confine an animal determined to be dangerous shall be a minimum
16 of six ~~(6)~~-feet in height. Where the enclosure, pen, or structure used to confine the
17 animal does not have a bottom secured to the sides, the sides shall be embedded into
18 the ground at a depth of at least two ~~(2)~~-feet. Any enclosure, pen, or structure,
19 including any fencing, used for the purpose of compliance with this section is
20 required to be humane and provide protection from the weather for the animal. Every
21 owner of an animal determined to be a dangerous animal shall allow inspection of
22 the required enclosure, pen, or structure by the Animal Care and Control Division to
23 ensure compliance with this section;

24 ~~(2)~~(4) While off the owner's property, an animal determined to be a dangerous animal

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

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

10 (3)(6) The owner of the dangerous animal must post a warning notice on any premises
11 where the animal is harbored, kept, or sheltered in a place conspicuously visible to
12 the public stating in bold, black letters at least six (6)-inches in height: **"WARNING!**
13 **DANGEROUS ANIMAL. KEEP AWAY."**

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

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

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

24 (3) The owner must ~~have the animal sterilized~~ purchase an approved form of external

1 identification from the Animal Care and Control Division, indicating to other
2 residents that the animal is dangerous; or

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

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

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

14 (a) ~~It shall be unlawful for any~~ No person who owns an animal that has been determined to be
15 dangerous under this chapter ~~to shall~~ fail to comply with any of the requirements of section 6-1-9
16 ~~6-3-2 of this Code, or any order of the Administrator of the Animal Control Division, or his or her~~
17 ~~assignee~~ the Administrator's designee, as authorized under that section.

18 ~~(b) Any animal which has been determined to be a dangerous animal under section 6-1-8 of~~
19 ~~this Code, and is observed outside of and not confined within the enclosure required by section 6-~~
20 ~~1-9(a)(1) of this Code, or muzzled and restrained as required by section 6-1-9(a)(2) of this Code,~~
21 ~~or not in compliance with the requirements of section 6-1-9(b) of this Code, if applicable, may be~~
22 ~~seized by any animal control officer or police officer, or other authorized agent, and impounded at~~
23 ~~the owner's expense.~~

24 ~~(c)~~(b) Where an animal is determined to be dangerous pursuant to section 6-1-8 6-3-1 of

1 this Code and thereafter attacks ~~of or~~ injures a person or domesticated animal, or where the owner
2 fails to comply with any order issued under section 6-3-2(a) or (b), the animal may be seized and
3 impounded, at the owner's expense, by the Animal Care and Control Division. The Administrator
4 ~~of the Animal Control Division~~, or his or her the Administrator's designee, is authorized to order
5 the owner of the animal to comply with any of the alternatives contained in section ~~6-1-9(b)~~ 6-3-
6 2(b) of this Code or seek an order from the 36th District Court for the euthanization of the animal.
7 ~~Within ten (10) days of the date of the City's notification that the animal will be euthanized, the~~
8 ~~owner of the animal may request an administrative hearing pursuant to section 6-3-8 of this Code.~~

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

15 **Sec. 6-3-4 – 6-3-15. Reserved.**

16 **ARTICLE ~~III~~ IV. ANIMAL CONTROL SHELTER**

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

18 The City shall ~~may~~ establish, operate, and maintain an animal control shelter pursuant to
19 the terms of this article and chapter. The Animal Control Shelter ~~which~~ shall be located in such
20 place as may be designated by the City. The Animal Control Shelter shall be under the supervision
21 of the Administrator ~~of the Animal Control Division~~, who shall be responsible for the assignment
22 of qualified persons to operate ~~such~~ the shelter in accordance with the Michigan Pet Shops, Animal
23 Control Shelters, and Animal Protection Shelters Act, 1969 PA 287, being MCL 287.331 *et seq.*,
24 and this chapter of the Code. The Animal Control Shelter shall have control of its operation and

1 be maintained in the interest of health and welfare of any animals captured or entrusted to its
2 custody or care.

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

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

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

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

16 **~~Sec. 6-3-3, 6-4-3. Seizure, capture~~ Capture, impoundment, and harboring of stray animals.**

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

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

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

22 (a) A dog, cat, livestock, or other animal, not including a farm or wild animal, shall not be
23 euthanized, sold, or transferred within four (4) days after its capture or receipt by the Animal Care
24 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.

1 **Sec. ~~6-3-7.~~ 6-4-6. Disposition upon failure to redeem; sale or transfer or live animals for**
2 **research prohibited; neutering, spaying, licensing and vaccination prior to release.**

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

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

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

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

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

18 ~~(a) Whenever an animal is brought to the Animal Control Shelter for having bitten a person,~~
19 ~~and where it appears that such dog, cat, or other animal is a vicious animal, as defined in section~~
20 ~~6-1-1 of this Code, or has been determined to be a dangerous animal pursuant to Section 6-1-8 of~~
21 ~~this Code, the Administrator of the Animal Control Division may cause such animal to be~~
22 ~~euthanized as a vicious or dangerous animal after the animal has been held a sufficient length of~~
23 ~~time to meet the requirements under this chapter for investigation and a hearing, if any, on the~~
24 ~~disposition of the animal. Any animal subject to this section shall not be euthanized until after~~

1 ~~written notification has been given to the owner of the animal.~~

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

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

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

12 ~~**Sec. 6-4-7 – 6-4-15. Reserved.**~~

13 **ARTICLE II. V. LICENSING AND CONTROL OF DOGS**

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

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

22 ~~(b) In accordance with section 6-1-11(a) 6-5-4(a) of this Code, the Animal Care and Control~~
23 ~~Division, or any City agency or department authorized to accept payment for a dog license, or a~~
24 ~~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;

1 **waiver of vaccination fee.**

2 (a) Any dog over the age of four (4) months that is owned, harbored, kept, or sheltered within
3 the City shall at all times be vaccinated against rabies, unless a written statement, renewable each
4 year by a veterinarian is produced by the owner showing that the dog should not be vaccinated.
5 Any owner or person harboring, keeping, or sheltering a dog within the City shall have the duty,
6 upon demand by the Animal Care and Control Division or any authorized agent of the Animal
7 Care and Control Division, to produce a proof of vaccination against rabies. A proof of vaccination
8 against rabies shall consist of a written certificate or statement signed by a licensed veterinarian,
9 and shall state the owner's name and address, a description of the dog, including the breed, sex,
10 name, and age of the dog, the date of vaccination, the type of vaccine used, and the date re-
11 vaccination is due. One (1) copy of such the certificate or statement shall be forwarded by the
12 veterinarian signing such document to the Animal Care and Control Division in a manner as
13 prescribed by the City.

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

- 16 (1) The owner, as determined by the Animal Care and Control Division, is an indigent
17 person who is unable to pay; or
18 (2) The owner presents proof of the current receipt of state or local public assistance; or
19 (3) The owner's income consists entirely of benefits under the social security act, or the
20 railroad retirement act, or veteran's benefits; provided that this the waiver of payment
21 for a dog vaccination shall apply to only one (1) dog per residence.

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

24 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

1 issuance of the license and expiring one (1) year from the date of the rabies vaccination.

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

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

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

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

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

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

22 (a) The dog license issued by the Animal Care and Control Division shall consist of a metal
23 tag which shall have stamped or engraved thereon the year issued, ~~together with the words "Detroit~~
24 ~~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.

1 **ARTICLE VI. RESERVED**

2 **ARTICLE V. ~~VII.~~ PET SHOPS**

3 **DIVISION 1. GENERALLY**

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

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

8 **~~Sec. 6-5-2.~~ 6-7-2. Pet shop requirements.**

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

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

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

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

16 ~~It shall be unlawful for any~~ No person operating a pet shop within the City ~~to~~ shall sell, or
17 offer for sale, any diseased, injured, maimed, or sick animals.

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

20 All diseased, injured, maimed, or sick animals must be reported immediately by the person
21 ~~to whom a license to operate~~ operating a pet shop ~~is issued under this article~~ to the ~~Detroit Health~~
22 Department, and thereafter, such animal shall be under the control of a licensed veterinarian or
23 other person duly authorized by the ~~Detroit Health~~ Department until the animal is permanently
24 cured, healed, or euthanized.

1 **Sec. ~~6-5-5.~~ 6-7-5. Misrepresentations as to health or pedigree.**

2 It shall be unlawful for any No person operating a pet shop licensed under this article to
3 shall misrepresent in any way the health condition or pedigree of any animal offered for sale or to
4 refuse to issue to the purchaser a written guarantee of the health or pedigree of the animal at the
5 time of sale where requested to do so.

6 **Sec. ~~6-5-6.~~ 6-7-6. Humane treatment of animals.**

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

10 (b) ~~It shall be unlawful for a~~ No pet shop licensed under this article to shall fail or refuse to
11 humanely treat any animal in its care, custody or possession. In addition to any other penalties
12 which may be imposed for violation of this section, a pet shop may have its City license suspended,
13 revoked, or not renewed in accordance with Chapter 30 of this Code.

14 **Sec. ~~6-5-7.~~ 6-7-7. Approval of ~~health department~~ Department; agreement by applicants and**
15 **licensees.**

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

21 (b) Applications for the required approval from the ~~Detroit Health~~ Department shall state that
22 the building or structure where the applicant conducts, or intends to conduct, a pet shop meets City
23 requirements for a pet shop, shall provide all information required by the ~~Detroit Health~~
24 Department, and shall contain an agreement by which the applicant consents to the inspection of

1 any part of the premises used in connection with operating the pet shop by the ~~Detroit Health~~
2 Department, or any person authorized by the Michigan Department of Agriculture and Rural
3 Development, to ensure compliance with this Code or any rule and regulation of the Michigan
4 Department of Agriculture and Rural Development or of the ~~Detroit Health~~ Department, which
5 governs the operation of a pet shop.

6 **Sec. ~~6-5-8 6-7-8~~ – ~~6-5-20, 6-7-20~~. Reserved.**

7 DIVISION 2. LICENSE

8 **Sec. ~~6-5-21, 6-7-21~~. License required.**

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

11 (b) A pet shop license must be renewed annually in accordance with the provisions of Chapter
12 30 of this Code.

13 **Sec. ~~6-5-22, 6-7-22~~. Application; information required; ~~Action~~ action upon application.**

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

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

19 (2) Where the applicant is a corporation:

20 a. The complete and accurate corporate name;

21 b. When and where such corporation was incorporated;

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

24 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, 6-7-26.~~ Investigation required.

(a) Upon application and before any license required by this division ~~shall be~~ is 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, 6-7-27.~~ License posting required; non-transferable.

(a) Upon issuance by the Business License Center and after receipt by the applicant, ~~a 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, 6-7-28.~~ Expiration and renewal dates.

1 (a) All pet shop licenses ~~that are~~ issued pursuant to this division shall expire on April 30th of
2 each year.

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

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

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

7 **~~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:



Melvin Butch Hollowell
Corporation Counsel