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**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

CITY OF DETROIT MEMORANDUM

To: Honorable City Council

From: Jordan Miller, Assistant Corporation Council, Law Department

Date: May 20, 2024

Re: **Status of Animal Keeping in Detroit by Registered Non-Profit Organizations**

Your Honorable Body, through Council President Pro Tempore, James E. Tate Jr., submitted a multi-departmental inquiry to better understand the City’s position as to various elements of animal care, control, and regulation. The inquiry pays particular consideration to the ownership of farm animals by registered non-profits. The questions and requests presented in the inquiry are enumerated and responded to below:

1. Does the City of Detroit, legally speaking, consider honeybees as a “farm animal” as defined in Chapter 6 of the Detroit City Code?

Yes, honeybees are generally considered to be “farm animals” under the definition contained in Section 6-1-2 of the 2019 Detroit City Code¹. Although the Code does not expressly name honeybees, they fall within the broader description of “any animal held or raised for purposes of food or other commercial consumption.” This position is consistent with the Generally Accepted Agricultural and Management Practices for the Care of Farm Animals (GAAMPS) as published by the Michigan Department of Agriculture and Rural Development (MDARD).²

2. Does the highlighted language below allow for registered non-profits in the City of Detroit to have animals on their property? Chapter 6, Section 6-1-5(a) of the Detroit City Code states “Owning, harboring, keeping, maintaining, selling, or transferring of farm or wild animals prohibited; exception for circuses, zoos, and other approved activities; separate violations for each animal; disposition of animals in violation of this section.”

¹ *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.

² GAAMPS (2024) www.michigan.gov/mdard/-/media/Project/Websites/mdard/documents/environment/rtf/2024-GAAMPS/Care-of-Farm-Animals-GAAMPS-2024.pdf?rev=b1ef23edd6fe4beeab8a27ff5879ddd5&hash=026A843D9536C3001748B849FCEC1E16



- a. **Except as provided in Article VIII of this chapter, no person 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 such farm animal or wild animal may be kept in circuses, zoos, or laboratories, or non-profit organizations for educational purposes, subject to the approval of the City, where, at all times, the care or custody is under the care of a trained and qualified animal attendant whose responsibility shall be to see that such animals are securely under restraint.**

Yes, registered non-profits in the City of Detroit are allowed to own, harbor, keep, maintain, sell, and transfer animals, so long as three critical caveats are satisfied. First, the non-profit's use of the animal must be for "educational purposes." The exception provided in Section 6-1-5(a) does *not* provide carte blanche to registered non-profits to have and use animals in any way that they choose. Second, the animal must be under the care of a trained and qualified animal attendant. There is not currently an established method of qualifying such necessary animal attendants. And third, the proposed animal use by a registered non-profit is subject to the approval of the City. At present, no such formal review and approval process has been enacted. Accordingly, there is currently no way for a registered non-profit in the City to overcome both of the necessary requirements for eligibility under the exception of Section 6-1-5(a). Additionally, while Chapter 6 allows farm animals on premises owned and operated by non-profit organizations, Chapter 50 prohibits farm animals on urban farms and urban gardens, in accordance with section 50-12-397. There currently is no provision in the Chapter 50 Zoning Code that allows the housing of farm animals.

3. **If the highlighted language above allows for non-profit organizations to have farm animals on their property, what is the proper zoning classification to allow for farm animals, as defined by Chapter 6 in the Detroit City Code? Please work with the City Planning Commission to Answer this question.**

Currently, there is no provision in the Chapter 50 Zoning Code that allows the housing of farm animals. The proposed "Animal Husbandry" Zoning Ordinance revision would add a specific zoning use associated with Chapter 6 farm animal's provision.

4. **Lastly, if the highlighted language above allows for non-profit organizations to have farm animals on their property, what are all the proper permits? Please work with the Building Safety Engineering, and Environmental Department (BSEED), Planning and Development Department (PDD, and the Detroit Department of Animal Care and Control (DACC) to answer this question.**



No such zoning use has been established as of yet in the current Code. However, a Building Permit (or the to be established “Land Permit”) would be required to change a parcel zoning use to a “Animal Husbandry” facility as a principal or accessory use. Also included with that permit would be approval of any structures or structural elements. Separate electrical and plumbing permits would be required for any related equipment or systems. Further, no such DACC permits are currently in existence.