

USE

**SUMMARY**

This ordinance amends Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control, and Regulation*, Article I, *Generally*, by amending Section 6-7-1, *Definitions*, and Article VII, *Pet Shops*, by repealing and adding substitute Section 6-7-3, *Retail of cats and dogs prohibited*, and amending and renaming Section 6-7-4, to *Sale of diseased, injured, maimed, or sick animal prohibited; Injured or sick animal*, to prohibit the sale of dogs and cats by pet shops.

1 **BY COUNCIL MEMBER \_\_\_\_\_ :**

2 **AN ORDINANCE TO AMEND** Chapter 6 of the 2019 Detroit City Code, *Animal Care,*  
3 *Control, and Regulation*, Article I, *Generally*, by amending Section 6-7-1, *Definitions*, and Article  
4 VII, *Pet Shops*, by repealing and adding substitute Section 6-7-3, *Retail of cats and dogs*  
5 *prohibited*, and amending and renaming Section 6-7-4, to *Sale of diseased, injured, maimed, or*  
6 *sick animal prohibited; Injured or sick animal*, to prohibit the sale of dogs and cats by pet shops.

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

9 **Section 1.** That Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control, and*  
10 *Regulation*, be amended by amending Article I, Section 6-1-2, and Article VII, *Pet Shops*, by  
11 repealing and adding a substitute Section 6-7-3, and amending and renaming Section 6-7-4, to read  
12 as follows:

13 **CHAPTER 6. ANIMAL CARE**

14 **ARTICLE I. GENERALLY**

15 **Sec. 6-1-2. Definitions**

16 For the purposes of this chapter, the following words and phrases shall have the meanings  
17 respectively ascribed to them by this section:

18 *Abandonment* means an owner leaving an animal unattended for at least 72 consecutive  
19 hours.

20 *Adequate shelter* means provision of and access to shelter that is:

- 21 (1) Suitable for the species, age, condition, size, and type of each animal;  
22 (2) Provides adequate space for each animal;

- 1           (3)    Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight,  
2                    the adverse effects of heat or cold, physical suffering, and impairment of health;
- 3           (4)    Is properly lighted;
- 4           (5)    Is properly cleaned;
- 5           (6)    Enables each animal to be clean and dry, except when detrimental to the species;
- 6           (7)    During hot weather, is properly shaded and does not readily conduct heat;
- 7           (8)    During cold weather, has a wind-break at its entrance and provides a quantity of 8  
8                    bedding material consisting of straw, cedar shavings, or the equivalent that is  
9                    sufficient to protect the animal from cold and promote the retention of body heat;  
10                   and
- 11          (9)    For dogs and cats, provides a solid surface, resting platform, pad, floor mat or  
12                    similar device that is large enough for the animal to lie on in a normal manner and  
13                    can be maintained in a sanitary manner.

14   Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass  
15   through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the  
16   animals' feet or toes from injury are not adequate shelter.

17           *Adequate space* means sufficient space to allow each animal to:

- 18          (1)    Easily stand, sit, lie, turn about, and make all other normal body movements in a  
19                    comfortable, normal position for the animal; and
- 20          (2)    Interact safely with other animals in the enclosure.

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

1           *Adoption* means the transfer of ownership of a cat or dog, or other animal permitted under  
2 this Code, from a releasing agency to an individual.

3           *Altered* means an animal that has been neutered or spayed by a veterinarian licensed to  
4 practice veterinary medicine.

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

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

10          *Animal Control Investigator* means any person employed or appointed by the City who is  
11 authorized to investigate and enforce violations under the provisions of this chapter, to investigate  
12 complaints in compliance with legal enforcement procedures, and to conduct seizure of property  
13 and animals pursuant to dangerous animal provisions.

14          *Animal Control Officer* means any person employed or appointed by the City who is  
15 authorized to investigate and enforce violations under the provisions of this chapter.

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

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

21          *Companion animal* means an animal that is commonly considered to be, or is considered  
22 by its owner to be, a pet, or that is a service animal, including, but is not limited to, dogs and cats,  
23 but does not mean a farm animal, urban farm animal, or wild animal.

1 *Dangerous animal* means an animal that:

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

3 or

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

6 (3) Has chased or approached any person on one or more occasion and without  
7 provocation on any public property, or on any private property that is not the  
8 property of the animal's owner, in an apparent attempt to attack or injure the person.

9 *Dangerous animal determination* means a written declaration or order issued by the  
10 Administrator, or the Administrator's designee, finding that an animal is a dangerous animal as  
11 defined in this section.

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

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

16 *Enclosure or primary enclosure* means, for an animal that has not been determined to be potentially  
17 dangerous or dangerous under this chapter, a pen or structure used to confine an animal out of  
18 doors that is kept in a sanitary condition, provides adequate space, is properly lighted, and provides  
19 adequate shelter. In addition, an enclosure or primary enclosure for an animal determined to be  
20 potentially dangerous or dangerous under this chapter shall also be required to have appropriate  
21 signage, be a minimum of six feet in height and constructed so that the sides shall be embedded  
22 into the ground by a depth of at least two feet or be constructed on and secured to a concrete pad  
23 with a complete, secure top to prevent escape, and is locked to prevent accidental access or escape.

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

4            *Foster care provider* means a person who, or entity which, provides care or rehabilitation  
5 for companion animals through an affiliation with a public or private animal shelter, home-based  
6 rescue, releasing agency, or other animal welfare organization and accepts the responsibility and  
7 stewardship of animals not to exceed the number of animals permitted pursuant to Section 6-2-  
8 1(d) of this Code.

9            *Foster home* means a private residential dwelling and its surrounding grounds, or any  
10 facility other than a public or private animal shelter, at which site, through an affiliation with a  
11 public or private animal shelter, home-based rescue, releasing agency or other animal welfare  
12 organization, care or rehabilitation is provided for companion animals.

13           *Impounded* means an animal confined, kept, and maintained by the Animal Care and  
14 Control Division, by any police officer, animal control officer, or any other public officer under  
15 the provisions of this chapter.

16            *kennel* means any facility, except a duly licensed pet shop, where three or more licensed  
17 dogs or household animals are boarded, confined, kept, or maintained for remuneration for the  
18 purpose of breeding, boarding, sale, sporting, or any commercial or training purposes.

19           *Licensed dog* means a dog currently licensed by the Animal Care and Control Division or  
20 any unexpired dog license issued and valid for dogs temporarily in the City under Section 6-5-3  
21 of this Code.

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

1            *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten  
2 over the mouth of an animal that prevents the animal from biting any person or other animal and  
3 that does not cause injury to the animal or impair its vision or respiration.

4            *Neglect*, means as likewise defined by Section 50 of the Michigan Penal Code, being MCL  
5 750.50, to fail to sufficiently and properly care for an animal to the extent that the animal's health  
6 is jeopardized.

7            *Neuter, neutered, or neutering* means to make a male animal incapable of reproducing.

8            *Nuisance animal* means an animal running at large on public property or any private  
9 property that is not the property of its owner or keeper, whose behavior constitutes a nuisance,  
10 which includes:

- 11            (1) Making physical contact with a person or other domesticated animal in a harassing  
12 manner;
- 13            (2) Unreasonably disturbs or annoys the quiet comfort, and repose of persons in the  
14 vicinity by loud, frequent, habitual, or repeated barking, howling, or yelping;
- 15            (3) Defecating without all feces being immediately and properly removed and disposed  
16 of in a sanitary manner or digging upon any building, lawn, plant, shrub, tree, or  
17 any other public property, or any private property that is not the property of the  
18 owner;
- 19            (4) Damaging inanimate personal property.

20            *Nuisance animal determination* means a written declaration or order issued by the  
21 Administrator, or the Administrator's designee, finding that a dog or other animal is a nuisance  
22 animal as defined in this section.

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

5           *Owner* means, when applied to the proprietorship of an animal, any person, partnership, or  
6 corporation having a right of property in the animal, or who keeps or harbors an animal, or who  
7 has the animal in their care or control, or acts as its custodian, or who knowingly permits an animal  
8 to remain at or about any premises occupied by the person.

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

11           *Potentially dangerous animal* means an animal that:

- 12           (1)   Without provocation, chases or menaces a person or domesticated animal in an  
13               aggressive manner, causing injury to a person or domesticated animal;
- 14           (2)   In a menacing manner, approaches without provocation any person or domesticated  
15               animal as if to attack; or
- 16           (3)   Has demonstrated a propensity to attack without provocation or otherwise to  
17               endanger the safety of human beings or domesticated animals.

18           *Potentially dangerous animal determination* means a written declaration or order issued by  
19 the Administrator, or the Administrator's designee, finding that a dog or other animal is a  
20 potentially dangerous animal as defined in this section.

21           *Properly cleaned* means that carcasses, debris, food waste, and excrement are removed  
22 from the primary enclosure with sufficient frequency to minimize animal contact with the above-  
23 mentioned contaminants, the primary enclosure is sanitized with sufficient frequency to minimize



1 odors and the hazards of disease, and the primary enclosure is cleaned so as to prevent the animals  
2 confined therein from being directly or indirectly sprayed with the stream of water, or directly or  
3 indirectly exposed to hazardous chemicals or disinfectants.

4 *Provocation* means any action or activity, whether intentional or unintentional, which  
5 would be reasonably expected to cause a normal animal in similar circumstances to react in a  
6 manner similar to that exhibited by the animal.

7 *Quarantine* means to confine and isolate for the purpose of detecting and preventing the  
8 transmission of rabies.

9 *Releasing agency* means either a public animal shelter or a private animal shelter, humane  
10 society, animal welfare organization, society for the prevention of cruelty to animals, or other  
11 similar entity or home-based rescue that releases companion animals for adoption and that is  
12 registered as required by applicable state law and this Code. A releasing agency shall be registered  
13 with federal, state, and appropriate agencies for charitable solicitation purposes.

14 *Rescue organization* means a person or group of persons who hold themselves out as an  
15 animal rescue, accept or solicit dogs, cats or other animals with the intention of finding permanent  
16 adoptive homes or providing lifelong care for such dogs, cats or other animals, or who use foster  
17 homes as the primary means of housing dogs, cats, or other animals and is registered with federal,  
18 state and appropriate agencies for charitable solicitation purposes.

19 *Retractable leash* means a handheld animal restraint that attaches to the collar of an animal  
20 with an internally housed cord, belt, tape, or other retractable material, which may be extended,  
21 retracted, or locked at various lengths.

22 *Residence* means an apartment, dwelling, flat, house, or other building or structure where  
23 one or more persons reside.

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

4            *Sanitary condition* means, when referring to an enclosed area, one that has been sanitized  
5 and properly cleaned at least once daily, kept in a condition of good order to minimize the  
6 possibility of disease transmission and maintained in a state that is appropriate for the species, size,  
7 and number of animals enclosed therein.

8            *Sanitize* means to make physically clean and to remove and destroy, to a practical  
9 minimum, agents injurious to health.

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

11           *Serious physical injury* means disfigurement, protracted impairment of health, or  
12 impairment of the function of any bodily organ.

13           *Service animal* means, as likewise defined in Section 1 of the Michigan Leader Dogs for  
14 Blind Persons Act, being MCL 287.291:

15           (1) As defined in 28 CFR 36.104, any dog that is individually trained to do work or  
16 perform tasks for the benefit of an individual with a disability, including a physical,  
17 sensory, psychiatric, intellectual, or other mental disability. Other species of  
18 animals, whether wild or domestic, trained or untrained, are not service animals for  
19 purposes of this definition. The work or tasks performed by a service animal must  
20 be directly related to the individual's disability. Examples of work or tasks include,  
21 but are not limited to, assisting individuals who are blind or have low vision with  
22 navigation and other tasks, alerting individuals who are deaf or hard of hearing to  
23 the presence of people or sounds, providing non-violent protection or rescue work,

1 pulling a wheelchair assisting an individual during a seizure, alerting individuals to  
2 the presence of allergens, retrieving items such as medicine or the telephone,  
3 providing physical support and assistance with balance and stability to individuals  
4 with mobility disabilities, and helping persons with psychiatric and neurological  
5 disabilities by preventing or interrupting impulsive or destructive behaviors. The  
6 crime deterrent effects of an animal's presence and the provision of emotional  
7 support, well-being, comfort, or companionship do not constitute work or tasks for  
8 the purposes of this definition; and

- 9 (2) A miniature horse that has been individually trained to do work or perform tasks as  
10 described in 28 CFR 36.104 for the benefit of a person with a disability.

11 *Spay, spayed, or spaying* means to make a female animal incapable of reproducing.

12 *Stray animal* means any animal, including, but not limited to, a licensed or an unlicensed  
13 dog, running at large and loose on public property, or private property that is not the property of  
14 the owner, without restraint and not under the control of the owner, harborer or keeper.

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

18 *Unlicensed dog* means a dog not currently licensed by the Animal Care and Control  
19 Division or any expired dog license issued by another governmental unit for dogs temporarily in  
20 the City under Section 6-5-3 of this Code.

21 *Urban farm* means over one acre of land under common ownership that:

- 22 (1) May be divided into plots for cultivation by one or more individuals and/or groups  
23 or may be cultivated by individuals and/or groups collectively;

- 1           (2)    Is used to grow and harvest food crops and/or non-food crops for personal or group  
2                    use;
- 3           (3)    Has products, which may or may not be for commercial purposes;
- 4           (4)    Includes an orchard or a tree farm that is a principal use; and
- 5           (5)    Is one of the following:
  - 6                    a.     Contiguous; or
  - 7                    b.     Non-contiguous and on the same block; or
  - 8                    c.     Contiguous or non-contiguous and separated by a right-of-way not greater  
9                            than 60 feet in width.

10           *Urban farm animal* means livestock or fowl permitted to be raised or kept in accordance  
11 with Article VIII of this chapter.

12           *Vicious animal* means an animal that without provocation or justification bites or attacks a  
13 person and causes serious physical injury or death or that is declared vicious under this chapter.

14           *Wild animal* means any animal that generally lives in its original and natural habitat, and  
15 is not normally considered a domesticated animal.

16           *Without provocation* means, when applied to damage or injury caused to a person by an  
17 animal, the person has not committed:

- 18           (1)    A willful trespass or other tort upon the property of the animal's owner;
- 19           (2)    An act of abuse, assault, attack, or torment upon the animal or the owner of the  
20                    animal; or
- 21           (3)    A criminal act or an attempt to commit a criminal act that takes place where the  
22                    animal is located.

1 ARTICLE VII. PET SHOPS

2 DIVISION 1. GENERALLY

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

4 All animals offered for sale by a pet shop, or dogs and cats maintained at the pet store for  
5 the purpose of adopting those animals to the public, shall be confined in a kennel or cages that  
6 have been approved by the Michigan Department of Agriculture and Rural Development and by  
7 the Department.

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

9 ~~No person operating a pet shop within the City shall sell, or offer for sale, any diseased,~~  
10 ~~injured, maimed, or sick animals. REPEALED.~~

11 **Sec. 6-7-3. Retail sale of dogs and cats prohibited.**

12 (a) No person operating a pet shop within the City shall sell, or offer for sale, any dogs  
13 or cats. Nothing in this section shall prevent a pet store or its owner, operator, or employees from  
14 providing space and appropriate care for animals owned by an animal control shelter, rescue  
15 organization, foster care provider, or foster home, and maintained at the pet store for the purpose  
16 of adopting those animals to the public.

17 (b) In addition to any other penalties which may be imposed for violation of this  
18 section, a pet shop may have its City license suspended, revoked, or not renewed in accordance  
19 with Chapter 28 of this Code, Licenses.

20 **Sec. 6-7-4. Sale of diseased, injured, maimed, or sick animal prohibited; injured or sick**  
21 **animals to be reported; care by a licensed veterinarian or others.**

22 (a) No person operating a pet shop within the City shall sell, or offer for sale, any  
23 diseased, injured, maimed, or sick animals.

1           **(b)** All diseased, injured, maimed, or sick animals must be reported immediately by the  
2 person operating a pet shop to the Department, and thereafter, such animal shall be under the  
3 control of a licensed veterinarian or other person duly authorized by the Department until the  
4 animal is permanently cured, healed, or euthanized.

5           **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
6 safety, and welfare of the People of the City of Detroit.

7           **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
8 repealed.

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

Approved as to form:

  
\_\_\_\_\_  
Conrad D. Mallett  
Corporation Counsel