

ORDINANCE NO. 2020-5
CHAPTER 6
ARTICLES I, II, III, IV, V, VI, VIII

AN ORDINANCE to amend Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control, and Regulation*, by amending Article I, *In General*, to amend Section 6-1-2, *Definitions*; to amend Section 6-1-3, *Violations and penalties*; to amend Section 6-1-4, *Animal Care and Control Division; authorization and enforcement; minimum employment standards for animal control officers; right of entry upon probable cause; interference with officer; damage to property; fees; rules*; to amend Section 6-1-5, *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*; to amend Section 6-1-6, *Owning, harboring, keeping, or maintaining of reptiles or serpents prohibited; exceptions; separate violations for each reptile or serpent*; to amend Section 6-1-7, *Certain animals declared public nuisances; abatement; animal waste; responsibility for removal of waste; prohibition of unapproved kennels*; to amend Section 6-1-9, *Impoundment; release and adoption*; to amend Section 6-1-10, *Records and reports*; by amending Article II, *Proper Treatment and Transportation of Animals*, to amend Section 6-2-1, *Duty of care over animals; neglect; abandonment; overcrowding of animals*; to amend Section 6-2-3, *Treatment of stray dogs*; to amend Section 6-2-4, *Sale of baby chicks, baby rabbits, ducklings, or other fowl as pets or novelties prohibited*; by amending Article III, *Dangerous Animals*; to amend Section 6-3-1, *Dangerous animal investigation; determination by the Administrator or the Administrator's designee; appeal of dangerous animal determination; treatment of animals issued a dangerous animal determination; treatment of animals seized or surrendered prior to dangerous animal determination*; to amend Section 6-3-2, *Animals issued dangerous animal determination; requirements for owners of animals issued dangerous animal determination*; to amend Section 6-3-3, *Viola-*

tions involving animals issued dangerous animal determination; failure to comply with requirements; seizure; order to euthanize animal; to add Section 6-3-4, *Vicious animals prohibited; exceptions*; by amending Article IV, *Animal Control Shelter*; to amend Section 6-4-2, *Neutering and spaying clinic*; to amend Section 6-4-3, *Seizure, capture, impoundment, and harboring of stray animals*; to amend Section 6-4-5, *Redemption and release fees*; to amend Section 6-4-6, *Disposition upon failure to redeem; sale or transfer of live animals for research prohibited; neutering, spaying, licensing, and vaccination prior to release*; by amending Article V, *Licensing and Control of Dogs*; to amend Section 6-5-1, *Dog license requirements; rabies vaccination requirements; limitation on number of licenses issued to a residence; disposition of licensed dogs; impoundment of unlicensed dogs*; to amend Section 6-5-2, *Rabies control requirements for dogs over the age of four months; waiver of vaccination fee*; to amend 6-5-4, *Dog license application; issuance and expiration of licenses*; to amend Section 6-5-5, *Dog license fees*; to amend Section 6-5-6, *License tags; license and tags not transferable; use of microchips; transfer of microchip registration*; to add Section 6-5-7, *Breeders permit required; application*; to relocate Article VI, *Urban Farm Animals*, and restate as Article VIII, *Urban Farm Animals*, to add Article VI, *Rescue Organizations*; to add Section 6-6-1, *Registration required*; to add Section 6-6-2, *Registration; information required*; to add Section 6-6-3, *Foster home permits issues to animal rescue organizations; animal limit; license*; to add Section 6-6-4, *Foster home permit required*; to modify, repeal and add definitions; to modify violations and penalties; to require reporting of efforts to fill a vacancy in the position of Administrator and list potential fees to be established; to modify the complaint, hearing and remedial measures for a nuisance animal determination; to modify impoundment and release provisions; to add additional reporting requirements; to modify the number of permitted animals of the same species in a single residence; to require licensing and registration; to

add categories of potentially dangerous animals and vicious animals; to modify the dangerous dog provisions; to establish complaint, investigation, hearing and appeal provisions for categories of determinations; to add categories of potentially dangerous animals and vicious animals to determinations and set forth requirements for owners of such animals; to establish euthanasia shall only be conducted by a licensed veterinarian or the Animal Care and Control Division; to establish a reckless owner designation and set forth procedures; to prohibit vicious animals and set forth exceptions; to modify dog license application and issuance requirements and the maximum number of licenses per single residence; to require rabies vaccinations be administered by a licensed veterinarian; to require that information on license applications be updated in the event such information changes; to require that the Animal Care and Control Division provide a veterinarian to administer vaccinations; to provide for the transfer of licenses by the Animal Care and Control Division from a rescue organization to an individual that has adopted an animal; to modify dog license fees including renewal fees; to require external identification tags corresponding to a determination issued regarding an animal; to require a breeders permit, establish an application process and set forth applicable regulations; to establish requirements for rescue organization registration, foster home permits, and set forth foster home animal limits, and to update language, delete duplicative or obsolete language, and make other technical revisions.

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

Section 1. Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control, and Regulating*, be amended by amending the Chapter, to read as follows:

CHAPTER 6.

ANIMAL CARE, CONTROL, AND REGULATION

ARTICLE I. IN GENERAL

Sec. 6-1-2. Definitions.

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

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

Adequate Shelter means provision of and access to shelter that is:

(1) Suitable for the species, age, condition, size, and type of each animal;

(2) Provides adequate space for each animal;

(3) Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;

(4) Is properly lighted;

(5) Is properly cleaned;

(6) Enables each animal to be clean and dry, except when detrimental to the species;

(7) During hot weather, is properly shaded and does not readily conduct heat;

(8) During cold weather, has a wind-break at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and

(9) For dogs and cats, provides a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

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

Adequate space means sufficient space to allow each animal to:

(1) Easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and

(2) Interact safely with other animals in the enclosure.

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

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

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

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

Animal Care and Control Division means the division of the Health Depart-

ment, or such other designated City department or agency, authorized to administer and enforce the provisions of this chapter.

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

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

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

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

Dangerous animal means an animal that:

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

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

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

Companion animal means an animal that is commonly considered to be, or is considered by its owner to be, a pet, or that is a service animal. Companion animal includes, but is not limited to, dogs and cats. A companion animal shall not include a farm animal, urban farm animal, or wild animal.

Dangerous animal determination means a written declaration or order issued by the Administrator, or the Administrator's designee, finding that an animal is a dangerous animal as defined by this article.

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

Domesticated animal means any animal which is accustomed to living in an

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

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

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.

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

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

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

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

Licensed dog means a dog currently licensed by the Animal Care and Control

Division or any unexpired dog license issued and valid for dogs temporarily in the City under Section 6-5-3 of this Code.

Licensee means any person or premises licensed under this chapter.

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

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

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

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

(1) Making physical contact with a person or other domesticated animal in a harassing manner;

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

(3) Defecating without all feces being immediately and properly removed and disposed of in a sanitary manner or digging upon any building, lawn, plant, shrub, tree, or any other public property or private property, that is not the property of the owner;

(4) Damaging inanimate personal property.

Nuisance animal determination means a written declaration or order issued by the Administrator, or the Administrator's designee, finding that a dog or other animal is a nuisance animal as defined by this article.

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

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

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

Potentially dangerous animal means an animal that:

(1) Without provocation, chases or menaces a person or domesticated animal in an aggressive manner, causing injury to a person or domesticated animal;

(2) In a menacing manner, approaches without provocation any person or domesticated animal as if to attack; or

(3) Has demonstrated a propensity to attack without provocation or otherwise to endanger the safety of human beings or domesticated animals.

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

Properly cleaned means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

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

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

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

Rescue organization means a person or group of persons who hold themselves out as an animal rescue, accept or solicit dogs, cats or other animals with the intention of finding permanent adoptive homes or providing lifelong care for

such dogs, cats or other animals, or who use foster homes as the primary means of housing dogs, cats or other animals and is registered with federal, state and appropriate agencies for charitable solicitation purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Is used to grow and harvest food crops and/or non-food crops for personal or group use;

(3) Has products, which may or may not be for commercial purposes;

(4) Includes an orchard or a tree farm that is a principal use; and

(5) Is one of the following:

a. Contiguous; or

b. Non-contiguous and on the same block; or

c. Contiguous or non-contiguous and separated by a right-of-way not greater than 60 feet in width.

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

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

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

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

(1) A willful trespass or other tort upon the property of the animal's owner;

(2) An act of abuse, assault, attack, or torment upon the animal or the owner of the animal; or

(3) A criminal act or an attempt to commit a criminal act that takes place where the animal is located.

Sec. 6-1-3. Violations and penalties.

(a) An animal owner, harbinger, keeper or person who has custody of an animal shall prevent the animal from engaging in nuisance, menacing, potentially dangerous or dangerous behavior.

(b) An animal owner, harbinger, keeper or person who has custody of an animal shall prevent the animal from engaging in loud, frequent or habitual barking, yelping or howling, causing annoyance to people in the vicinity.

(c) No person shall violate any provision of this chapter, or to aid and abet another to violate such provision.

(d) No person shall falsely represent that he or she is in possession of a service animal, or a service animal in training, in any public place or for licensing purposes.

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

(f) Any person who is found guilty of violating this chapter shall be convicted of a misdemeanor for each ordinance violation that is issued, and, in the discretion of the court, may be fined up to \$500.00 and sentenced to up to 90 days in jail, or both, for each ordinance violation that is issued, provided, that, in addition to any costs associated with seizure, impoundment, care, and vaccination of an unlicensed or unvaccinated dog borne by the Animal Care and Control Division under Article V of this chapter, any violation of Article V of this chapter may subject the violator, in the discretion of the court, to the following penalties:

(1) A fine of not more than \$100.00 for the first offense. For a first offense, the Animal Care and Control Division may require that an owner attend an Animal Awareness Program provided by the Animal Care and Control Division or the Michigan Humane Society. Proof of Completion of such training within 30 days of the citation shall negate the applicable fine;

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

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

(4) Where the dog is intact after a second offense, the mandatory alteration of the dog with associated costs to be paid by the owner.

(g) The Animal Care and Control Division may require that an owner attend an Animal Awareness Program provided by the Animal Care and Control Division or the Michigan Humane Society as part of or the penalty for a violation of this chapter. The Animal Awareness Program shall include information on local ordinances, state law, animal care standards and any other materials deemed appropriate. Any program fees collected by the respective organization shall be retained and used for education and training for Animal Care and Control Division staff, law enforcement or animal welfare personnel.

(h) Where the provisions of this chapter have been violated, any animal control officer, police officer, sheriff, or any person authorized by the Animal Care and Control Division may seize the animal or animals in accordance with Section 6-1-4(f) of this Code.

Sec. 6-1-4. Animal Care and Control Division; authorization and enforcement; minimum employment standards for animal control officers; right of entry upon probable cause; interference with officer; damage to property; fees; rules.

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

(b) The Department shall provide a written update to City Council every 30 days a vacancy exists in the position of Administrator of the Animal Care and Control Division. This update shall include

the efforts undertaken to locate and hire a qualified Administrator.

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

(d) In accordance with Section 1-1-10 of this Code, public servants who are employed as animal control officers for the purpose of enforcing the provisions of this chapter shall have concurrent authority with police officers and shall have such police powers as are necessary for the enforcement of this chapter.

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

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

(2) Proof of a minimum course of study of not less than 100 instructional hours approved by the Michigan Department of Agriculture and Rural Development; and

(3) A valid driver's license.

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

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

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

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

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

(2) Subject to Subsection (f)(3) of this section, as a condition to exercising the right of entry set forth in Subsection (f)(1)

of this section, the person shall satisfy Subsections (f)(1)a. and (f)(1)b. of this section by establishing or obtaining:

a. Probable cause of a violation of this chapter, and

b. At least one of the following:

1. Owner consent;

2. A warrant issued by an appropriate judicial officer or magistrate;

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

4. Exigent circumstances in which the public health, safety, or health or safety of one or more animals is subject of imminent danger.

(3) In addition, the following provisions shall apply:

a. Owner consent, a warrant, or exigent circumstances shall not be required to seize any animal which is observed running loose and traversing across public or private properties, provided, that, where the animal is located inside private property or an adjoining fenced-in yard at the time seizure is sought, the limitation on seizure that is delineated in Subsections (f)(2) and (f)(3) of this section shall apply.

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

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

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

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

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

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

(k) In accordance with Section 9-507 of the Charter, the Public Health Director is authorized to establish necessary fees with the approval of the City Council, through adoption of a resolution, for the cost of services which are determined to be necessary for the public health and welfare of the City under Articles I through VI of this chapter, including, but not limited to, licensing and registration of altered and unaltered dogs, penalty for late renewal of license, impoundment, boarding and kenneling, quarantine, nuisance dog tag and signage, potentially dangerous dog tag and signage, dangerous dog tag and signage, adoption, vaccinations, microchip, field pickup, transport, transfer of license from an animal rescue organization to an adoptive owner, and Animal Awareness Program fees. The fees authorized by this section shall cover the costs of rendering such services and shall be reviewed, revised, and approved as necessary in accordance with this section. After adoption of a resolution by the City Council and approval of the resolution by the Mayor, the fees shall be:

(1) Published in a daily newspaper of general circulation and in the Journal of the City Council;

(2) Made available at the Animal Care and Control Division and at the Office of the City Clerk; and

(3) Reviewed by the Public Health Director at least once every two years.

(l) In accordance with the Michigan Public Health Code, being MCL 333.1101 *et seq.*, and Section 2-111 of the Charter, the Director of the Department shall promulgate administrative rules and procedures, as necessary, for the administration of this chapter, including hearing procedures for resolving matters in dispute.

Sec. 6-1-5. 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.

(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 form 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 the care or custody is under the care of a trained and qualified animal attendant at all times, whose responsibility shall be to see that such animals are securely under restraint.

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

(c) The Animal Care and Control Division is authorized to sell, transfer, euthanize, or dispose of any animal owned, kept, maintained, sold or transferred in violation of this section in a manner consistent with the protection of the public health, acceptable humane practices, and any established City administrative rules and procedures that have been promulgated under Section 6-1-4(l) of this Code.

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

(a) No person shall own, harbor, keep, or maintain any reptiles or serpents, except turtles that are not in excess of 15 inches in length, in their premises or at a public place within the City, provided, that this section does not prohibit a circus, zoo, or serpentarium, subject to the approval of the City, or to a pet shop that is licensed under Article VII of this Chapter, from keeping reptiles or serpents where such reptiles or serpents are securely confined in a manner consistent with the protection of the public health and safety and with acceptable humane practices.

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

(c) The Animal Care and Control Division is authorized to sell, transfer, euthanize, or dispose of any reptile or serpent that is owned, harbored, kept, or maintained in violation of this section in a manner consistent with the protection of the public health and safety, acceptable humane practices, and any applicable administrative rules and procedures that have been promulgated under Section 6-1-4(l) of this Code.

Sec. 6-1-7. Certain animals declared public nuisances; complaint; hearing; abatement; animal waste; responsibility for removal of waste; prohibition of unapproved kennels.

(a) Any animal 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, being MCL 287.261 *et seq.*, or this chapter and the administrative rules that have been promulgated under Section 6-1-4(l) of this Code, where the animal:

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

(2) Makes contact with a person or other animal in a harassing manner;

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

(4) Defecates or digs upon any building, lawn, plant, shrub, tree, or any other public property, or any private property, that is not the property of the animal's owner, without all feces being immediately and properly removed and disposed of in a sanitary manner by the owner.

(b) Any resident of the City may submit to the Department a complaint of nuisance behavior which shall include:

(1) Allegations of nuisance behavior for a minimum of two interactions for any complaint based on Subsection (a)(3) of this section; or

(2) Allegations of nuisance behavior for a minimum of a two week time frame for any complaint based on Subsection (a)(4) of this section.

(c) Upon receipt of a verifiable nuisance complaint or upon personal observation by an animal control officer of nuisance behavior, the Animal Care and Control Division shall evaluate the complaint, investigate, and, where factual circumstances warrant, conduct a nuisance animal hearing.

(1) Notification for the nuisance animal hearing shall be made to the animal owner and the petitioner via first class mail within 14 days of submission of the nuisance complaint.

(2) The Administrator, or the Administrator's designee, shall hear testimony regarding the alleged nuisance behavior and shall have the authority to issue a nuisance animal determination.

(3) Within 14 days of the date of the nuisance animal hearing, the Animal Care and Control Division shall provide the owner of the animal a written notification of the Administrator, or Administrator's designee, determination by first class mail.

(4) Within ten days from the date of the receipt of the mailing, the owner of the animal may file a written request for a hearing to review the determination at the 36th District Court. Where the owner fails to request a hearing within the ten-day period after receipt of the notice, the determination made by the Administrator, or the Administrator's designee, shall become final and the animal shall be issued a nuisance animal determination under this article.

(d) No owner of any animal declared to be a public nuisance shall fail to immediately take any available and reasonable measures to abate the nuisance as required by the determination letter issued pursuant to Subsection (c)(3) of this section, which may include:

(1) Installation and maintenance of any enclosure, pen, or structure used to confine the animal out of doors shall be a minimum of six feet in height and constructed so that the sides shall be embedded into the ground by a depth of at least two feet or be constructed on and secured to a concrete pad, and kept in a sanitary condition;

(2) Installation and maintenance of an opaque fence, as permitted by law, to limit views to neighboring yards or the street;

(3) The owner of the animal that has been issued a nuisance animal determination must post a standard sign obtained from the Division of Animal Care and Control to serve as a warning notice on any premises where the animal is harbored, kept, or sheltered in a place conspicuously visible to the public stating in bold, black letters at least six inches in height "WARNING! NUISANCE ANIMAL: KEEP AWAY." The fee for the sign shall be the cost of production to the City and be listed on the fee schedule;

(4) Mandatory attendance at an Animal Awareness Program provided by the Animal Care and Control Division or the Michigan Humane Society within 30 days of issuance of the nuisance determination. The Animal Awareness Program shall include information on local ordinances, state law, animal care standards and any other materials deemed appropriate. Any program fees collected by the respective organization shall be retained and used for education and training for Animal Care and Control Division staff, law enforcement or animal welfare personnel; and

(5) The owner must purchase an approved form of external identification from the Animal Care and Control Division, indicating to other residents that the animal is determined to be a nuisance animal under this chapter.

(e) 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 of the animal, 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 service animal to fail to promptly and properly collect and dispose of any animal waste or excrement on any public or private property.

(f) No person shall maintain or operate a kennel, or construct, maintain, or use an accessory building for a kennel, within the City without obtaining all relevant licenses and permits from the Buildings, Safety Engineering, and Environmental Department and written approval by the Department.

Sec. 6-1-9. Impoundment; release and adoption.

(a) The Animal Care and Control Division is authorized to impound any animal which is stray, loose, at large, makes physical contact with a person or other animal in a harassing or menacing manner, or has bitten or otherwise injured any person or other animal and needs to be confined for observation. The Animal Care and Control Division is authorized to capture any animal which is observed to be stray, loose, or at large and return it to its owner, if known, with the issuance of appropriate citation(s).

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

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

Sec. 6-1-10. Records and reports.

(a) Whenever a dog, cat, ferret, or

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

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

(1) The total number of dogs, cats, and ferrets less than six months of age, the total number of dogs, cats, and ferrets six 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, being MCL 287.339a, the Animal Care and Control Division shall provide a copy of these statistics, annually, to the Michigan Department of Agriculture and Rural Development and to the Mayor and to the City Council.

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

(e) Beginning on January 1st of the calendar year, the Administrator shall submit a quarterly report to the City Council, which, for the period covered by the report shall include:

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

(2) The number of animals that have been issued a nuisance animal, potentially dangerous animal, dangerous animal or vicious animal determination; and

(3) The location of all animals that have been issued a potentially dangerous animal or dangerous animal determina-

tion and are residing with their owners. This information shall be posted on the City's website.

(4) A description of outreach and marketing efforts to residents, rescue organizations, foster care providers, community groups, and other stakeholders regarding the requirements of this Chapter, and of Article III of this Chapter in particular. At minimum these efforts shall include at least one outreach event in each City Council district between February 1st and April 1st of each year. The Department may partner with third-party entities for outreach and marketing efforts.

(f) The Administrator, or the Administrator's designee, shall present the contents of each Quarterly report required in Subsection (e) in the appropriate City Council standing committee.

Secs. 6-1-11 — 6-1-20. Reserved.

ARTICLE II.

PROPER TREATMENT AND TRANSPORTATION OF ANIMALS

Sec. 6-2-1. Duty of care over animals; neglect; abandonment; overcrowding of animals.

(a) All persons owning, harboring, or keeping an animal shall attend to and responsibly care for the animal, including, but not limited to, providing proper food, water, shelter, sanitation, and medical treatment for injuries, parasites, and diseases that is sufficient to maintain the animal in good health and minimize suffering for the animal according to its species, age, and circumstances.

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

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

(d) No person shall own, harbor, keep, or shelter more than two animals of the same species over the age of four months in a single residence. Animals shall be properly licensed and registered on the effective date of the ordinance that amended this section, which is September 27, 2020. New licenses shall not be issued for animals over the limit of two upon death of rehoming of animals formerly licensed at that residence.

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

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

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

(2) Appears to have been abandoned.

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

(a) The Animal Care and Control Division is authorized to seize and impound any stray dog that is on public or private property in accordance with Section 6-1-3(f) of this Code, and to return, sell, transfer, or euthanize any such animal in accordance with this chapter.

(b) All persons shall immediately notify the Animal Care and Control Division regarding any stray dog under their control and, upon request, 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 the owner's last known address.

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

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

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

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

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

Secs. 6-2-8 — 6-2-20. Reserved.

ARTICLE III.
POTENTIALLY DANGEROUS,
DANGEROUS OR VICIOUS ANIMALS
Sec. 6-3-1. Potentially dangerous animal, dangerous animal or vicious animal investigation; determination by the Administrator or the Administrator's designee; appeal of determination; treatment of animals seized or surrendered prior to potentially dangerous animal, dangerous animal or vicious animal determination.

(a) Upon the receipt of a verifiable complaint from an individual or other report of an attack, a bite, a dog fight, 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 potentially dangerous, or vicious, the Animal Care and Control Division shall evaluate the complaint or report and, where the factual circumstances warrant, may conduct a potentially dangerous animal, dangerous animal or vicious animal investigation. Where practicable, the investigation shall include interviewing the complainant, any victim or victims of the menacing behavior, 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 potentially dangerous animal, dangerous animal or vicious animal investigation shall make a written recommendation concerning the incident and the animal and whether the Administrator, or the Administrator's designee, should issue a potentially dangerous animal, dangerous animal or vicious animal determination, including the factual basis for the recommendation. For purposes of making a recommendation under this section, the investigating officer may review and rely upon a written police report concerning an animal attack, bite, menacing behavior, or other observation that an animal may be potentially dangerous, dangerous or vicious. Any animal that is the subject of a potentially dangerous animal, dangerous animal or vicious animal investigation shall not be moved or harbored at another location, except for the transport of the animal to a licensed veterinary facility for purposes of a rabies quarantine, or have its ownership transferred, pending the outcome of the investigation or any hearings related to the determination of whether the animal is a potentially dan-

gerous animal, dangerous animal or vicious animal under this article.

(c) The Administrator or the Administrator's designee, shall review the recommendation contained in the potentially dangerous animal, dangerous animal or vicious animal investigation, and, after such review, shall have the authority to issue a potentially dangerous animal, dangerous animal or vicious animal determination concerning the subject dog or animal.

(d) Upon a potentially dangerous animal or dangerous animal determination, the Animal Care and Control Division shall provide the owner of the animal a written notification of the determination by first class mail. Within ten days from the date of the receipt of the mailing, the owner of the animal may file a written request for a hearing to review the determination at the 36th District Court. Pending any hearing or resolution on the potentially dangerous animal or dangerous animal determination, the animal shall be confined in accordance with the requirements imposed by the Administrator or the Administrator's designee, pursuant to Section 6-3-2 of this Code, including confinement in a securely fenced or enclosed area. Where the owner fails to request a hearing within the ten-day period after receipt of the notice, the dangerous animal determination made by the Administrator, or the Administrator's designee, shall become final and the animal shall be issued a potentially dangerous animal or dangerous animal determination under this section.

(e) Where the Administrator, or the Administrator's designee, makes a vicious animal determination under Subsection (c) of this section and the animal has caused severe physical injury or death to any person or domesticated animal, the Administrator, or the Administrator's designee, may seek an order from the 36th District Court to euthanize the animal. Where the Administrator, or the Administrator's designee, makes a second dangerous animal determination under Subsection (c) of this section for a subsequent incident, the Administrator, or the Administrator's designee, may seek an order from the 36th District Court to euthanize the animal. The Administrator, or the Administrator's designee, shall take into consideration the severity and the total circumstances of injury to any person or to any domesticated animal prior to seeking review and shall abide by the procedures and judgment of the 36th District Court if an order to euthanize the animal is sought.

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

(1) The owner enters into an agreement with the Administrator, or the Administrator's designee, pursuant to Section 6-3-2 of this Code; or

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

(g) Unless an animal is forfeited to the ownership of the Animal Care and Control Division, no animal held by the Animal Care and Control Division for a dangerous animal or vicious animal determination shall be euthanized prior to receipt of an order from the 36th District Court.

Sec. 6-3-2. Animals issued potentially dangerous animal or dangerous animal determination; requirements for owners of animals issued potentially dangerous animal or dangerous animal determination.

(a) In all cases where an animal has been issued a potentially dangerous animal or dangerous animal determination under Section 6-3-1 of this Code and the animal is not euthanized, the Administrator, or the Administrator's designee, shall make the determination of whether the animal may be returned to its owner. As part of the terms of return, the Administrator, or the Administrator's designee, shall order the owner to comply with each of the following requirements:

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

(2) Where the animal was capable of reproduction prior to the potentially dangerous animal or dangerous animal determination, the animal must be altered;

(3) When the animal is on the owner's property, the animal must be confined securely indoors or securely outdoors within a locked enclosure, pen, or structure that prevents the entry of any person and the escape of the confined animal. Any enclosure, pen, or structure used to confine an animal that has been issued a potentially dangerous animal or dangerous animal determination shall be a minimum of six feet in height. Where the enclosure, pen, or structure used to confine the animal does not have a bottom secured to the sides, the sides shall be embedded into the

ground at a depth of at least two feet or be constructed on and secured to a concrete pad, and have a complete, secure top to prevent escape and be locked to prevent accidental access or escape. Any enclosure, pen, or structure, including any fencing, used for the purpose of compliance with this section is required to be humane, be maintained in a sanitary condition and provide protection from the weather for the animal. Every owner of an animal that has been issued a potentially dangerous animal or dangerous animal determination shall allow inspection of the required enclosure, pen, or structure by the City to ensure compliance with this section;

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

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

(6) The owner of the animal that has been issued a dangerous animal determination must post a standard sign obtained from the Animal Care and Control Division to serve as a warning notice on any premises where the animal is harbored, kept, or sheltered in a place conspicuously visible to the public stating in bold, black letters at least six inches in height "WARNING! DANGEROUS ANIMAL: KEEP AWAY." The fee for the sign shall be the cost of production to the City and be listed on the fee schedule.

(7) The owner of the animal that has been issued a potentially dangerous animal determination must post a standard sign obtained from the Animal Care and Control Division to serve as a warning notice on any premises where the animal is harbored, kept or sheltered in a place conspicuously visible to the public stating in bold, black letters at least six inches in height "WARNING! POTENTIALLY DANGEROUS ANIMAL: KEEP AWAY." The fee for the sign shall be the cost of production to the City and be listed on the fee schedule.

(b) In addition, the Administrator, or the Administrator's designee, may order the owner of an animal that has been issued a potentially dangerous animal or dangerous animal determination under Section 6-3-1 of this Code to comply with any one or more of the following requirements:

(1) The owner must confine the animal to the secure enclosure described in Subsection (a)(3) of this section at all times and only allow the animal out the enclosure under the conditions set forth in Subsection (a)(4) of this section, where necessary, to obtain veterinary care or to comply with a court order;

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

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

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

(5) The owner must attend an Animal Awareness Program provided by the Animal Care and Control Division or the Michigan Humane Society. The Animal Awareness Program shall include information on local ordinances, state law, animal care standards and any other materials deemed appropriate. Any program fees collected by the respective organization shall be retained and used for education and training for Animal Care and Control staff, law enforcement or animal welfare personnel.

(c) Compliance with any requirements set forth in Subsections (a) and (b) of this section shall occur within 30 days of the determination being issued. The 30-day timeframe may be extended by the Administrator, in writing, for good cause. Bond shall be posted for the cost of 30 day boarding or extended timeframe at Animal Care and Control. Failure to comply with the requirements for return on the animal within the established timeframe shall result in the forfeiture of the animal to the ownership of the Animal Care and Control Division.

Sec. 6-3-3. Violations involving animals issued potentially dangerous animal, dangerous animal or vicious animal determination; failure to comply with requirements; reckless owner designation; seizure; order to euthanize animal.

(a) No person who owns an animal that has been issued a potentially dangerous animal, dangerous animal or vicious animal determination under Article III of this Code shall fail to comply with any of the requirements of Section 6-3-2 of this Code, or any order of the Administrator, or the Administrator's designee, as authorized under this Code.

(b) Where an animal has been issued a potentially dangerous animal or dangerous animal determination pursuant to Section 6-3-1 of this Code and thereafter attacks or injures a person or domesticated animal, or where the owner fails to comply with any order issued under Section 6-3-2(a) or (b) of this Code, the animal may be seized and impounded, at the owner's expense, by the Animal Care and Control Division. The Administrator, or the Administrator's designee, is authorized to order the owner of the animal to comply with any of the alternatives contained in Section 6-3-2(b) of this Code or seek an order from the 36th District Court to euthanize the animal. Euthanasia of an animal shall only be conducted by a licensed veterinarian or the Animal Care and Control Division.

(c) A person is a reckless dog owner who:

(1) Receives three or more determinations for violation of the nuisance animal provisions in Section 6-1-7 of this Code in a consecutive 24-month period that are upheld by the 36th District Court if appealed; or

(2) Receives two or more determinations under Section 6-3-2 of this Code for a potentially dangerous animal in a consecutive 24-month period that are upheld by the 36th District Court if appealed; or

(3) Receives one determination under Section 6-3-2 of this Code for a dangerous animal in a consecutive 24-month period which is upheld by the 36th District Court if appealed; or

(4) Excluding violations set forth in Subsections (2) and (3) of this section receives four or more citations for violation of this chapter in a consecutive 5-year period. These may include licensing or animal limit violations or failure to update location of an animal that has been determined to be potentially dangerous or dangerous.

(d) The Administrator, or the Administrator's designee, shall issue a notification of the declaration of reckless dog owner to the person with the following:

(1) Name and address of the person subject to the declaration;

(2) The description, violation, and determinations that led to the declaration;

(3) The name, description, and license number of all animals subject to the effects of the declaration; and

(4) Instructions on appealing the declaration to the 36th District Court.

(e) Once declared a reckless dog owner, the city licenses of all dogs owned by the person shall be revoked, and the person shall not own, keep, possess, or harbor a dog for a period of five-calendar years from the date of the declaration.

(f) A person declared to be a reckless dog owner may apply to the Administrator to have the declaration waived after two years upon meeting the following conditions:

(1) The person has no subsequent violations of this chapter;

(2) The person has no subsequent violations of the Michigan Dog Law of 1919, being MCL 287.261 *et seq.*, or this chapter and the administrative rules that have been promulgated under Section 6-1-4(1) of this Code.

(3) The person has completed the Animal Awareness Program identified in Sections 6-1-3(g), 6-1-7(d)(4) or 6-3-2(b)(5) of this Code designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the Administrator establishes that understanding.

(g) If the Administrator finds sufficient evidence that the person has complied with all conditions in this section, the Administrator may rescind the reckless owner declaration subject to conditions if necessary to ensure future compliance with this chapter. If the Administrator declines to remove the declaration, the person may appeal pursuant to Chapter 3, *Administrative Hearings and Enforcement, and Administrative Appeals*, Article IV, *Administrative Appeals*, of this Code.

Sec. 6-3-4. Vicious animals prohibited;

(a) It shall be unlawful to keep, possess, or harbor a vicious dog, as determined under this article, within the City.

(b) Provisions of this section shall not apply to a police dog being used to assist one or more law enforcement officers acting in an official capacity.

(c) The Administrator of the Animal Care and Control Division shall seek a destruction order from the district court to euthanize an animal that has been declared vicious under this article.

(d) The owner of an animal subject to a destruction order of the 36th District Court may appeal as prescribed by the Revised Judicature Act of 1961, being MCL 600.101, *et seq.*, and MCL 600.8342 in particular, or other applicable state law.

(e) The owner of a vicious dog shall be liable for and shall pay all costs associated with impoundment, removal, or

euthanasia of said animal. The owner shall pay any other associated costs incurred with the enforcement of this Chapter relative to their animal.

Secs. 6-3-5 – 6-3-20. Reserved.

ARTICLE IV.

ANIMAL CONTROL SHELTER

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

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

(b) A fee schedule for alteration that is based on an owner's ability to pay and the complexity of the surgery involved shall be established and approved in accordance with Section 6-1-4(k) of this Code.

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

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

The Animal Control Shelter shall seize, capture, impound, and harbor all stray animals and all animals owned or harbored contrary to the provisions of this chapter, provided, that, where the animal is on private property, the provisions of Section 6-1-3(f) of this Code shall apply.

Sec. 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 occasion shall be charged an additional fee for multiple releases.

(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 the animal shall pay to the Animal Control Shelter a service charge for the care, custody and feeding of animal for each impoundment.

(c) A fee schedule for services rendered under this section shall be established and approved in accordance with Section 6-1-4(k) of this Code and posted at the Animal Control Shelter.

Sec. 6-4-6. Disposition upon failure to redeem; sale or transfer of live animals for research prohibited; neutering, spaying, licensing, and vaccination prior to release.

(a) After being impounded, an animal, which is not claimed, and released within the time period prescribed by Section 6-4-4 of this Code, may be euthanized by the Animal Control Shelter.

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

(c) During such times as a neutering and spaying clinic shall exist at the Animal Control Shelter, all dogs and cats sold by the shelter shall be altered at the shelter before being released to the purchaser. A fee that is established and approved in accordance with Section 6-1-4(k) of this Code shall be charged for this service and paid to the Animal Control Shelter prior to the surgical procedure taking place. The purchaser must agree in writing to all conditions prescribed by the Animal Control Shelter concerning the entire process.

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

Secs. 6-4-7 — 6-4-20 Reserved.

ARTICLE V.

LICENSING AND CONTROL OF DOGS

Sec. 6-5-1. Dog license requirements; rabies vaccination requirements; limitation on number of licenses issued to a residence; disposition of licensed dogs; impoundment of unlicensed dogs.

(a) No person shall own, harbor, keep, or shelter a dog more than four months of age within the City without purchasing a license for the dog, in accordance with the requirements of this chapter, from the Animal Care and Control Division, from a City agency or department authorized to accept payment for a City dog license, or from a non-profit organization authorized to accept payment for a City dog license. A person must be 18 years of age or older to obtain a City dog license.

(b) In accordance with Section 6-5-4(a) of this Code, the Animal Care and Control Division, or any City agency or department authorized to accept payment for a City dog license, or a non-profit organization authorized to accept payment for a City

dog license, shall not issue more than two 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;

(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 reported stolen and has not been located by the owner for at least a two-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 287.261 *et seq.*, and this chapter. 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, if any, which are established and approved in accordance with Section 6-1-4(k) of this Code, provided, that the dog has not been declared a public nuisance under Section 6-1-7 of this Code, or issued a potentially dangerous animal, dangerous animal or vicious animal determination pursuant to Article III 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 settlement of any other violation or penalty that is provided for in Section 6-1-3 of this Code, payment of license fee, and either:

(1) Proof of rabies vaccination as described in Section 6-5-2 of this Code; or

(2) Payment of costs associated with vaccination performed by the Animal Care and Control Division.

(e) An animal owner, harborer, keeper or person who has custody of an animal shall update the information provided on a license application in the event any of the information changes, including but not limited to the street address where an animal is located. The updated information shall be filed with the Animal Care and Control Division, or with any authorized City agency or department, or with a non-profit organization authorized by the City to issue a dog license.

Sec. 6-5-2. Rabies control requirements for dogs over the age of four months; waiver of vaccination fee.

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

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

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

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

(3) The owner's income consists entirely of benefits under the Social Security Act or the Railroad Retirement Act, or benefits from, the U.S. Department of Veterans' Affairs, provided, that waiver of payment for a dog vaccination shall apply to only one dog per residence.

Sec. 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 non-profit organization authorized by the City to issue a dog license, by a person 18 years of age or older who presents a valid 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 license fee that is established and approved in accordance with Section 6-1-4(k) of this Code and a valid certificate of a current vaccination for rabies with a vaccine licensed by the United States Department of Agriculture that is signed by a licensed veterinarian. A license for a dog may only be issued without such certification in accordance with Section 6-5-2 of this Code.

(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 non-profit organization authorized by the City, shall cause to be issued to an applicant an annual license to harbor, keep, or shelter a dog within the City for the term commencing at the date of the issuance of the license and expiring one year from the date of the rabies vaccination.

(e) All dog licenses, which are required under this article for any dog that is a service animal, shall be issued for the life of the dog.

(f) The Animal Care and Control Division may transfer a license from an animal in the care of a rescue organization under Article VI of this Chapter to a person upon proof of adoption of the animal.

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

(a) The Animal Care and Control Division, any authorized City agency or department, or any non-profit organization authorized to issue a City dog license, shall at the time of and before issuing a dog license and for each renewal, collect from each applicant a license fee, which is established and approved in accordance with Section 6-1-4(k) of this Code, for each altered dog with a surcharge to be established for each dog not altered. Licenses renewed more than 30 days after expiration or obtained more than 30 days after newly acquiring a dog shall incur a penalty of double the applicable license fee. When the license is issued from a non-profit organization authorized to issue a City dog license, the organization is authorized to deduct a portion designated by the City for each license so issued to pay the organization for the administrative costs incurred, before forwarding the balance of the license fee to the Animal Care and Control Division.

(b) A schedule that contains the license fees shall be posted at locations where City dog licenses are issued.

(c) A dog license for a dog that is a service animal shall be issued without any charge to the owner.

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

(a) The dog license issued by the Animal Care and Control Division shall consist of a metal tag which shall have stamped or engraved thereon the year issued. The license tags delivered shall be approved by the Animal Care and Control Division before delivery. The shape and style of the license tags shall be changed annually. License tags will be attached to a substantial collar harness of durable material. Other than those provided for in this section or required by Section 6-3-2(a)(6) or (7) of this Code, 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) No person 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 a dog, when 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 that is established and approved in accordance with Section 6-1-4(k) of this Code.

(e) Dog licenses or license tags issued under this section are not transferable between 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 that is established and approved in accordance with Section 6-1-4(k) of this Code 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 dog.

Sec. 6-5-7. Breeders permit required; application.

(a) No person shall breed or own an unaltered female dog that produces a litter of puppies without obtaining a breeders permit from the Animal Care and Control Division.

(b) The Animal Care and Control Division shall issue a breeders permit upon receipt of a completed application form, verification of current licensing and vaccination records, and payment of the applicable fee.

(c) The breeders permit shall be valid for one year from the date of issuance and allow for a maximum of two litters per female dog.

(d) The Animal Care and Control Division may revoke a breeders permit for failure to adhere to this Section.

Secs. 6-5-8 — 6-5-20. Reserved.

ARTICLE VI.

RESCUE ORGANIZATIONS

Sec. 6-6-1. Registration required.

It shall be unlawful to engage in the activity of a rescue organization within the City which shall include the placement of any animal in a foster home within the City of Detroit, without first registering the rescue organization with the Department.

Sec. 6-6-2. Registration: information required.

(a) Registration required under this article shall be made on a form that is provided by the Department. The registration shall be considered completed when the appropriate person has signed and dated the registration in the presence of a notary public, has paid the required registration fee, and has provided the information that is required on the form, including:

(1) Name and type of organization.
(2) Capacity for the type and number of animals.

(3) Proof of current liability insurance in an amount determined by the Administrator, or the Administrator's designee, to be sufficient to compensate and protect the public from any damage or harm caused by the animal.

(4) Name and address of all foster homes associated with the rescue organization.

(b) Registration shall be filed annually.

(c) Any information provided in accordance with Subsection (a) of this section shall be supplemented in writing and sent by certified mail, return receipt requested, to the Department within ten business days of circumstances that would render false or incomplete the information that was previously submitted.

Sec. 6-6-3. Foster home permits issued to animal rescue organization; animal limit; license.

(a) The Department shall issue to each registered rescue organization a specified number of foster home permits which the rescue organization shall use to identify foster homes permitted by

the rescue organization to have an animal placed as a foster animal within the City.

(b) Each registered foster home permit shall be limited to four total temporary foster dogs.

(c) Each foster dog shall be licensed to the animal rescue organization pursuant to the procedure set forth in Article V of this Chapter. Licenses may be transferred by the Animal Care and Control Division upon adoption by an individual residing in the City.

Sec. 6-6-4. Foster home permit required.

(a) It shall be unlawful to operate a foster home related to a rescue organization without first obtaining a permit from the rescue organization for which that person will operate the foster home.

(b) It shall be unlawful to operate a foster home without an affiliation with a registered rescue organization.

Secs. 6-6-5 — 6-5-20. Reserved.

ARTICLE VIII.

URBAN FARM ANIMALS (RESERVED)

Section 2. This ordinance is hereby

declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

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

Section 4. This ordinance shall become effective six months after publication in accordance with Paragraph 3 of Section 4-118 of the 2012 Detroit City Charter.

Section 5. This ordinance shall not take effect unless the companion ordinance amending Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control and Regulation*; Article III, *Dangerous Animals*; Section 6-3-1 to add a provision to be known as “Emma’s Clause” in honor and memory of Emma Valentina Hernandez, dated November 13, 2019 is enacted.

(J.C.C. Page) January 28, 2020
Passed: February 25, 2020
Approved: February 26, 2020
Published: March 25, 2020
Effective: September 27, 2020
JANICE M. WINFREY
City Clerk

