

## ORDINANCE NO. 28-18

## CHAPTER 6

## ARTICLE I and II

AN ORDINANCE to amend Chapter 6 of the 1984 Detroit City Code, *Animal Control, Regulation, and Care* by amending Article 1, *In General*, Section 6-1-1 *Definitions*, to add the definition of the term *Retractable Leash*, and Article II, *Proper Treatment and Transportation of Animal*, by amending Section 6-2-2, *Dog restraint; prolonged tethering Prohibited Under Certain Circumstances*, to establish the maximum length of leashes used on public property and to forbid the use of retractable leashes on public property when the weight of a dog exceeds 60 pounds.

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

**Section 1.** That Chapter 6 of the 1984 Detroit City Code, *Animal Control, Regulation and Care*, is amended by amending Article I, Section 6-1-1, *Definitions*, and Article II, Section 6-2-2, to read as follows:

**CHAPTER 6.****ANIMAL CONTROL, REGULATION, AND CARE****ARTICLE I. IN GENERAL****Sec. 6-1-1. Definitions.**

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

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

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

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

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

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

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

*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 dangerous because the dog or other animal:

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

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

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

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

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

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

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

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

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

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

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

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

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

*Owner* means, when applied to the proprietorship of an animal, every person having a right of property in the animal, every person who keeps or harbors an animal, or has an animal in the person's care or control, and every person who knowingly per-

mits 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.

*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.

*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.

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

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

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

*Sterilize* means to neuter or spay an animal.

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

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

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

(1) contiguous, or

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

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

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

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

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

(1) contiguous, or

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

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

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

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

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

## **ARTICLE II. PROPER TREATMENT AND TRANSPORTATION OF ANIMALS**

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

(a) It is the duty and the responsibility of the owner of a dog to actively monitor and keep the dog on the owner's property.

(b) No owner of a dog shall allow the dog to stray on public or private property, other than the private property of the owner, unless held properly by a leash extended no more than six feet in length or under restraint; provided, that police dogs accompanied by their handler while actively engaged in activities for which such dogs are trained are not subject to this prohibition.

(c) No person shall use a retractable leash when walking a dog on public property if the weight of the dog exceeds 60 pounds.

(d) No owner of a dog shall:

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

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

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

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

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

(6) Tether a dog without securing its food and water source to prevent its being tipped over or spilled by the tether;

(7) Tether a dog in an open area that does not provide the dog protection from attack from people or other animals;

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

(9) Tether a dog under four months old;

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

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

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

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

(J.C.C. Page )	November 13, 2018
Passed:	November 20, 2018
Approved:	November 26, 2018
Published:	December 12, 2018
Effective:	December 12, 2018
	JANICE M. WINFREY
	City Clerk

