

## S U M M A R Y

This ordinance amends Chapter 6 of the 2019 Detroit City Code, *Animal Control, Regulation and Care*, by amending Article I, *In General*, Section 6-1-2, *Definitions*; Article III, *Dangerous Animals*, 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 dangerous animal determination; treatment of animals seized or surrendered prior to dangerous animal determination*; Section 6-3-2, *Animals issued dangerous animal determination; requirements for owners of animals issued dangerous animal determination; transfer of animal deemed dangerous*; and adding Section 6-3-4, *Affirmative defenses*; Section 6-3-5, *Transfer of animal deemed dangerous*; Section 6-3-6, *Burden of proof*; Section 6-3-7, *Notice to police department; notice to animal care and control*; Section 6-3-8, *Return of animal to owner*; Section 6-3-9, *Removal of animal from dangerous animal classification*; Section 6-3-10, *Death of dangerous animal*; and Section 6-3-11, *Other remedies under the law*, to provide more guidance to the Animal Care and Control Division on how and when to classify an animal as dangerous; to require the Animal Care and Control Division to follow a timeline for issuing a dangerous animal determination; to update the manner in which notice may be given to an owner of a dangerous animal; to clarify who may receive the notice of a dangerous animal determination; to require a cash bond be furnished when an animal is required to be housed with the Animal Care and Control Division; to update and streamline the requirements an owner must comply with once an animal is deemed dangerous; to provide the Animal Care and Control Division with guidelines for developing a sign which conveys to the public, with an image, an animal is dangerous; to provide the owner of a potentially dangerous animal a clear understanding of their remedies and defenses under the law; to provide both the Animal Care and Control Division and the owner of a dangerous animal the necessary steps that must be taken if an owner seeks to transfer a low level dangerous animal; to provide burdens of proof for deeming an animal dangerous as well as making the decision that an animal should be euthanized; to provide guidance on when a local police precinct as well as Animal Care and Control must be notified of a dangerous animal within their jurisdiction; to provide the owner of a dangerous animal the guidelines for having their animal returned; to provide a mechanism for having an animal either reclassified or removed from the dangerous animal list; and to update the definitions of terms for consistency with the aforementioned amendments and other language of the chapter.

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

2 **AN ORDINANCE** to amend Chapter 6 of the 2019 Detroit City Code, *Animal Control,*  
3 *Regulation and Care*, by amending Article I , *In General*, Section 6-1-2, *Definitions*; Article III ,  
4 *Dangerous Animals*, Section 6-3-1, *Dangerous animal investigation; determination by the*  
5 *Administrator or the Administrator's designee; appeal of dangerous animal determination;*  
6 *treatment of animals issued dangerous animal determination; treatment of animals seized or*  
7 *surrendered prior to dangerous animal determination*; Section 6-3-2, *Animals issued dangerous*  
8 *animal determination; requirements for owners of animals issued dangerous animal*  
9 *determination; transfer of animal deemed dangerous*; and adding Section 6-3-4, *Affirmative*  
10 *defenses*; Section 6-3-5, *Transfer of animal deemed dangerous*; Section 6-3-6, *Burden of proof*;  
11 Section 6-3-7, *Notice to police department; notice to animal care and control*; Section 6-3-8,  
12 *Return of animal to owner*; Section 6-3-9, *Removal of animal from dangerous animal*  
13 *classification*; Section 6-3-10, *Death of dangerous animal*; and Section 6-3-11, *Other remedies*  
14 *under the law*, to provide more guidance to the Animal Care and Control Division on how and  
15 when to classify an animal as dangerous; to require the Animal Care and Control Division to  
16 follow a timeline for issuing a dangerous animal determination; to update the manner in which  
17 notice may be given to an owner of a dangerous animal; to clarify who may receive the notice of  
18 a dangerous animal determination; to require a cash bond be furnished when an animal is required  
19 to be housed with the Animal Care and Control Division; to update and streamline the requirements  
20 an owner must comply with once an animal is deemed dangerous; to provide the Animal Care and  
21 Control Division with guidelines for developing a sign which conveys to the public, with an image,  
22 an animal is dangerous; to provide the owner of a potentially dangerous animal a clear  
23 understanding of their remedies and defenses under the law; to provide both the Animal Care and

1 Control Division and the owner of a dangerous animal the necessary steps that must be taken if an  
2 owner seeks to transfer a low level dangerous animal; to provide burdens of proof for deeming an  
3 animal dangerous as well as making the decision that an animal should be euthanized; to provide  
4 guidance on when a local police precinct as well as Animal Care and Control must be notified of  
5 a dangerous animal within their jurisdiction; to provide the owner of a dangerous animal the  
6 guidelines for having their animal returned; to provide a mechanism for having an animal either  
7 reclassified or removed from the dangerous animal list; and to update the definitions of terms for  
8 consistency with the aforementioned amendments and other language of the chapter.

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

11 **Section 1.** Chapter 6 of the 2019 Detroit City Code, *Animal Control, Regulation and Care*,  
12 by amending Article I, Section 6-1-2 and Article III, Sections 6-3-1 and 6-3-2, and by adding  
13 Sections 6-3-4 through 6-3-11, to read as follows:

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

15 **ARTICLE I. IN GENERAL**

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

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

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

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

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

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

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

9           *Dangerous animal determination* means a written declaration or order issued by the  
10 Administrator, or the Administrator's designee, finding that a dog or other animal is dangerous  
11 because the dog or other animal:

- 12           (1) ~~Has attacked, bitten, or otherwise caused injury to a person without provocation.~~  
13           Has chased or approached any person on one or more occasions and without  
14           provocation on any public property, or on any private place that is not the property  
15           of the animal's owner, in an apparent attempt to attack or injure the person – level  
16           1; or  
17           (2) ~~Has attacked, bitten, or otherwise caused injury to another domesticated animal~~  
18           ~~without provocation.~~ Has attacked, bitten, or otherwise caused injury to a person  
19           or another domesticated animal without provocation – level 2; or  
20           (3) ~~Has chased or approached any person on one or more occasions and without~~  
21           ~~provocation on any public property, or on any private place that is not the property~~  
22           ~~of the animal's owner, in an apparent attempt to attack or injure the person.~~ Has  
23           caused a human or other animal to perish because of the attack, or results in

1           another animal being euthanized at the recommendation of a licensed veterinarian  
2           as a medical necessity; euthanasia as a result of the other animal's owner's inability  
3           to pay medical expenses related to the attack shall not be deemed a medical  
4           necessity – Level 3.

5           *Dangerous Animal Investigation* means the process of an Animal Care and Control  
6 Division investigator collecting the information related to an incident with the goal of providing  
7 such relevant information to the Administrator, or the Administrator's designee for use in making  
8 a dangerous animal determination.

9           *Date of Complaint or Date of Report* means the date upon which a complaint or report of  
10 conduct was received by the Animal Care and Control Division.

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

13           *Decline* means the Administrator, or the Administrator's designee, does not find the  
14 information provided by the Animal Care and Control Division investigator to be worthy of a  
15 dangerous animal determination due to either a lack of sufficient evidence or the evidence provided  
16 does not meet the required burden of proof.

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

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

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

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

4           *Leash means a strap or cord for guiding, holding or restraining an animal.*

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

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

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

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

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

15          *Owner* means, when applied to the proprietorship of an animal, every person having a  
16 right of property in the animal, every person who keeps or harbors an animal or has an animal  
17 in the person's care or control, and every person who knowingly permits an animal to remain at  
18 or about any premises occupied by the person.

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

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

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

4            *Return for further investigation* means the Administrator, or the Administrator's designee,  
5 needs additional information to either make a dangerous animal determination or decline to make  
6 such determination and requests that the Animal Care and Control Division investigator further  
7 investigate the incident.

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

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

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

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

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

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

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

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

13 *Sterilize* means to neuter or spay an animal.

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

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

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

- 20 (1) May be divided into plots for cultivation by one or more individuals and/or groups  
21 or may be cultivated by individuals and/or groups collectively;
- 22 (2) Is used to grow and harvest food crops and/or non-food crops for personal or group  
23 use;



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

8 *Urban farm animal* means livestock or fowl permitted to be raised or kept in accordance

9 with Article VI of this chapter.

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

11 is not normally considered a domesticated animal.

12 *Without provocation* means, when applied to damage or injury caused to a person by an

13 animal, the person has not committed a willful trespass or other tort upon the property of the

14 animal's owner, or an act of abuse, assault, attack, or ~~torment~~ provocation upon the animal or the

15 owner of the animal, or a criminal act or an attempt to commit a criminal act which takes place

16 where the animal is located.

17 **ARTICLE III. DANGEROUS ANIMALS**

18 **Sec. 6-3-1. Dangerous animal investigation; determination by the Administrator or**

19 **the Administrator's designee; appeal of dangerous animal determination; treatment of**

20 **animals issued dangerous animal determination; treatment of animals seized or surrendered**

21 **prior to dangerous animal determination.**

22 (a) Upon the receipt of a verifiable complaint from an individual or other report of

23 an attack, a bite, a dog fight, an injury, an observation of threatening behavior, or other reason

1 to cause a reasonable person to believe that a dog or other animal may be dangerous, the Animal  
2 Care and Control Division shall evaluate the complaint or report and, where the factual  
3 circumstances warrant, may conduct a dangerous animal investigation. Where practicable, the  
4 investigation shall include interviewing the complainant, any victim or victims of the attack or  
5 animal bite and any witness or witnesses who observed the subject animal, and visiting the scene  
6 where the reported incident took place. The investigation shall commence no later than three  
7 days from the date the complaint or report was received and shall be completed by the  
8 investigator no later than fifteen days from the date the complaint or report was received; the  
9 completion of the investigation may be extended based on individual circumstances, or when a  
10 state of emergency is declared.

11 (b) The Animal Care and Control Division investigator who is assigned to the  
12 dangerous animal investigation shall make a written recommendation concerning the incident  
13 and the animal and whether the Administrator, or the Administrator's designee, should issue a  
14 dangerous animal determination, including the factual basis for the recommendation. The  
15 written recommendation shall be made no later than eighteen days from the date the complaint  
16 or report was received, unless the timeline was extended based on individual circumstances or a  
17 state of emergency has been declared. For purposes of making a recommendation under this  
18 section, the investigating officer may review and rely upon a written police report concerning an  
19 animal attack, bite, threatening behavior, or other observation that an animal may be dangerous.  
20 Any animal that is the subject of a dangerous animal investigation shall not be moved or harbored  
21 at another location, excepting transport to a licensed veterinary facility for purposes of a rabies  
22 quarantine, or have its ownership transferred, pending the outcome of the investigation or any

1 hearings related to the determination of whether the animal is a dangerous animal under this  
2 section.

3 (c) The Administrator, or the Administrator's designee, shall review the  
4 recommendation contained in the dangerous animal investigation, and, after such review, shall  
5 have the authority to:

6 (1) Issue a dangerous animal determination of level 1, level 2 or level 3 concerning  
7 the subject dog or animal;

8 (2) Decline to issue a dangerous animal determination concerning the subject dog or  
9 animal; or

10 (3) Return the recommendation for further investigation.

11 (d) The Administrator, or the Administrator's designee, shall mail or deliver the final  
12 determination no later than 30 days from the date the complaint or report was received, unless  
13 the recommendation was returned for further investigation, or the timeline was extended based  
14 on individual circumstances or a state of emergency has been declared.

15 (e) If the recommendation is returned to the Animal Care and Control Division  
16 investigator for further investigation, the Administrator, or the Administrator's designee, shall  
17 state in writing why further investigation is needed and provide this writing to the Animal Care  
18 and Control Division investigator no later than 24 days from the date the complaint or report was  
19 received, unless the timeline was extended based on individual circumstance or a state of  
20 emergency has been declared.

21 (f) Upon receipt of a returned recommendation, with written reasoning, the Animal  
22 Care and Control Division investigator shall submit an updated recommendation to the  
23 Administrator, or the Administrator's designee, no later than 30 days from the date the complaint

1 or report was received, unless the timeline was extended based on individual circumstances, or  
2 a state of emergency has been declared.

3 (g) Once the Administrator, or the Administrator's designee receives an updated  
4 recommendation, the Administrator, or the Administrator's designee, shall mail or deliver a final  
5 determination no later than 40 days from the date the complaint or report was received, unless  
6 the timeline was extended based on individual circumstances, or a state of emergency has been  
7 declared.

8 (h) Upon a dangerous animal determination, the Animal Care and Control Division  
9 shall provide the owner of the animal a written notification of the determination as well as a  
10 document containing any fees that may be assessed by first-class mail certified mail or personal  
11 service. If delivered via personal service, it will suffice for the notice to be affixed to the owner's  
12 door, evidenced by a photo showing the notice being affixed to the door.

13 (i) If the animal has more than one owner, notice given to one owner will suffice as  
14 notice to all owners.

15 (j) Within ten days from the date of the receipt of receiving the mailing dangerous  
16 animal determination, the owner of the animal may file a written request for a hearing to review  
17 appeal the determination at the 36th District Court, such appeal shall be heard as soon as is  
18 practicable.

19 (k) The 36<sup>th</sup> District Court Judge shall make a determination as to whether the appeal  
20 will be granted or denied.

21 (l) Pending any hearing appeal or resolution on the dangerous animal determination,  
22 the animal shall be confined in accordance with the requirements imposed by the Administrator or  
23 the Administrator's designee, pursuant to Section 6-3-2 of this Code, including confinement in a

1 securely fenced or enclosed area. Any costs associated with the confinement of the animal will be  
2 the sole responsibility of the owner.

3 (m) Where the owner fails to request ~~a hearing~~ an appeal within the ten-day period after  
4 receipt of the ~~notice~~ dangerous animal determination, the dangerous animal determination made  
5 by the Administrator, or the Administrator's designee, shall become final and the animal shall be  
6 issued a dangerous animal determination under this section but if the owner of an animal fails to  
7 appeal a dangerous animal determination within the ten-day period in accordance with Subsection  
8 (j) of this section, the owner will forfeit their right to appeal the dangerous animal determination  
9 at issue.

10 (n) Where the Administrator, or the Administrator's designee, makes a dangerous  
11 animal determination of either level 2 or level 3 ~~under~~ in accordance with to Subsection (c) of  
12 this section and the animal has caused severe injury or death to any person or animal, the  
13 Administrator, or the Administrator's designee, may seek an order from the 36th District Court  
14 to euthanize the animal. The Administrator, or the Administrator's designee, shall take into  
15 consideration the severity of injury and the ~~total~~ circumstances ~~of~~ surrounding the injury to any  
16 person or to any animal prior to seeking review and shall abide by the procedures and ~~judgment~~  
17 Order of the 36th District Court if an order to euthanize the animal is sought.

18 (o) Whenever an animal is seized or brought to the Animal Care and Control Division  
19 for having attacked or bitten a person or another animal, the Animal Care and Control Division  
20 shall hold and care for the animal during the pendency of a dangerous animal determination and  
21 an appeal.

22 (p) If the animal is required to be housed by the Animal Care and Control Division,  
23 during the pendency of a final determination or an appeal, the owner shall furnish a cash bond, as

1 approved by the Detroit City Council, in an amount determined by the Animal Care and Control  
2 Division based on the daily cost to house the animal pending the final determination and appeal.  
3 In the event the animal is released prior to the date for which the cash bond is based, the owner  
4 shall be entitled to a refund of any unused funds.

5 (q) Regardless of whether the animal is returned following an investigation, any costs  
6 associated with the confinement of the animal will be the sole responsibility of the owner.

7 (r) The Animal shall not be released unless:

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

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

11 or

12 (3) It is determined that the animal in question is not a dangerous animal.

13 (s) No animal held by the Animal Care and Control Division for a dangerous animal  
14 determination shall be euthanized prior to receipt of an order from the 36th District Court,  
15 provided that should the 36<sup>th</sup> District Court issue an order to euthanize, the animal shall be  
16 euthanized as soon after the entry of the Court's order as is practicable.

17 **Sec. 6-3-2. Animals issued dangerous animal determination; requirements for owners**  
18 **of animals issued dangerous animal determination.**

19 (a) In all cases where an animal has been issued a dangerous animal determination  
20 ~~under~~ pursuant to Section 6-3-1 of this Code and the animal is not euthanized, the Administrator,  
21 or the Administrator's designee, shall make the determination of whether the animal may be  
22 returned to its owner.

1 (b) As part of the terms ~~or~~ of return, the Administrator shall order the owner to  
2 comply with the following requirements:

3 (1) The owner shall maintain proper licensing and up to date vaccinations for the  
4 animal as required under Article V of this chapter. If the animal is determined to  
5 be a dangerous animal – level 1, the owner shall:

6 a. Provide proof that the animal has received all of its vaccines in accordance  
7 with the law, along with proof of a valid license pursuant to Subsection 6-  
8 5-1(a) of this Code, where applicable. Proof of vaccines and a valid  
9 license, where applicable, must be provided to the Animal Care and  
10 Control Division no later than ten days from the date of the final  
11 determination;

12 b. Ensure that the animal is:

13 i. Securely muzzled to prevent the possibility of biting, such muzzle  
14 must be made in a manner that dos not cause injury to the animal  
15 or impair its vision or respiration, but must prevent the animal from  
16 biting any person or animal; and

17 ii. Under restraint by a substantial chain or leash not exceeding six  
18 feet in length by a person 18 years of age or older who is  
19 responsible for the animal at all times when the animal is off the  
20 owner's property; and

21 c. Ensure the animal receives appropriate behavior training, as determined by  
22 a licensed or certified trainer. Proof of training must be submitted to the  
23 Animal Care and Control Division within 60 days of the final determination.

1                    The owner of the animal will be responsible for the cost of training as well  
2                    as any costs associated with providing proof thereof.

3            (2) ~~Where the animal was capable of reproduction prior to the dangerous animal~~  
4            ~~determination, the animal must be sterilized.~~ If the animal is determined to be a  
5            dangerous animal – level 2, the owner must comply with all dangerous animal –  
6            level 1 requirements as well as:

7            a.     Ensuring that When the animal is on the owner's property, the animal ~~must~~  
8            ~~be~~ is confined securely indoors or securely outdoors within a locked  
9            enclosure, pen, or structure that prevents the entry of any person and the  
10           escape of the confined animal.

11           i.     Any enclosure, pen, or structure used to confine an animal that has  
12           been issued a dangerous animal determination shall be a minimum  
13           of six feet in height.

14           ii.    Where the enclosure, pen, or structure used to confine the animal  
15           does not have a bottom secured to the sides, the sides shall be  
16           embedded into the ground at a depth of at least two feet.

17           iii.   Any enclosure, pen, or structure, including any fencing, used for  
18           the purpose of compliance with this section is required to be  
19           humane and provide protection from the weather for the animal.

20           iv.    Every owner of an animal that has been issued a dangerous animal  
21           determination shall allow inspection of the required enclosure, pen,  
22           or structure by the Animal Care and Control Division to ensure  
23           compliance with this section.



1                   A. Inspections will be limited to any structures, fencing, or  
2                   confinements situated outside the home which are used  
3                   primarily to shelter or confine the animal when the animal is  
4                   not confined inside the home. Inspections may also include  
5                   an inspection of any doors which are used to enter or exit the  
6                   home, but no inspection conducted under this Subsection  
7                   shall permit the Animal Care and Control Division to enter  
8                   the owner's home.

9                   B. The Animal Care and Control Division may, at its  
10                   determination, conduct an inspection that is initiated by a  
11                   complaint made by a citizen who witnessed the owner or the  
12                   animal violating any subsection of this Chapter, or initiated  
13                   by the Animal Care and Control Division itself.

14                   C. If the inspection leads to the Department of Animal Care and  
15                   Control determining that the structure, fencing, confinement  
16                   or doors to the house are not secure enough to properly  
17                   confine the animal, the Animal Care and Control Division  
18                   may take the animal into its custody and care until the owner,  
19                   in the opinion of the Animal Care and Control Division,  
20                   remedies all issues regarding the confinement of the animal;  
21                   if the animal is housed by Animal Care and Control, the  
22                   owner shall furnish a cash bond in an amount determined by  
23                   the Animal Care and Control Division based on the daily

1 cost to house the animal until its release. In the event the  
2 animal is released prior to the date for which the cash bond  
3 is based, the owner shall be entitled to a refund of any unused  
4 funds.

5 b. Requiring while off the owner's property, the animal must be securely  
6 muzzled to prevent the possibility of biting and under restraint by a  
7 substantial chain or leash not exceeding six feet in length by a person 18  
8 years of age or older who is responsible for the animal at all times when  
9 the animal is off the owner's property, the muzzle must be made in a  
10 manner that does not cause injury to the animal or impair its vision or  
11 respiration, but must prevent the animal from biting any person or animal.

12 c. Requiring the owner to post a warning notice on any premises where the  
13 animal is harbored, kept, or sheltered in a place conspicuously visible to  
14 the public stating in bold, black letters at least six inches in  
15 height "WARNING! DANGEROUS ANIMAL: KEEP AWAY." The  
16 warning sign must also contain a symbol sufficient to convey without  
17 words the message that there is an animal on the premises that presents a  
18 danger to human beings or other animals, the Animal Care and Control  
19 Division will be responsible for developing the picture.

20 d. Requiring the owner to permit the Animal Care and Control Division to  
21 perform an inspection, no less than once annually, either after receiving a  
22 complaint or at its own direction, of the animal at a time suitable to the  
23 Animal Care and Control Division and the animal's owner.

1           (4) ~~While off the owner's property, an animal that has been issued a dangerous animal~~  
2 ~~determination must be securely muzzled to prevent the possibility of biting and~~  
3 ~~under restraint by a substantial chain or leash not exceeding six feet in length by~~  
4 ~~a person 18 years of age or older who is responsible for the animal at all times~~  
5 ~~when the animal is off the property. The muzzle must be made in a manner that~~  
6 ~~does not cause injury to the animal or impair its vision or respiration, but must~~  
7 ~~prevent the animal from biting any person or animal. If the animal is determined~~  
8 ~~to be a dangerous animal – level 3, the Animal Care and Control Division shall seek~~  
9 ~~an order from the 36<sup>th</sup> District Court stating that the animal be euthanized, pursuant~~  
10 ~~to Subsection 6-3-1(r) of this section.~~

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

14           (6) ~~The owner of the animal that has been issued a dangerous animal determination~~  
15 ~~must post a warning notice on any premises where the animal is harbored, kept,~~  
16 ~~or sheltered in a place conspicuously visible to the public stating in bold, black~~  
17 ~~letters at least six inches in height **"WARNING! DANGEROUS ANIMAL;**~~  
18 ~~**KEEP AWAY."**~~

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

- 1 (1) The owner must confine the dangerous animal to the secure enclosure described  
2 in Subsection ~~(a)(3)~~ (b)(3)(a.) of this section at all times and only allow the animal  
3 out of the enclosure ~~under the conditions set forth in Subsection (a)(4) of this~~  
4 ~~section, where necessary, to obtain veterinary care or to comply with a court order~~  
5 for medical needs or as ordered by the court;
- 6 (2) ~~The owner and the animal must complete a course of animal obedience training~~  
7 ~~approved by the Animal Care and Control Division~~ The animal shall not be  
8 allowed to be around children who are visiting the owner, or around any visitor  
9 to the owner's house;
- 10 (3) The owner must purchase an approved form of external identification from the  
11 Animal Care and Control Division, indicating to other residents that the animal is  
12 dangerous; or
- 13 (4) The owner must ~~obtain~~ purchase and provide proof of current liability insurance  
14 in an amount determined by the Administrator, or the Administrator's designee,  
15 to be sufficient to compensate and protect the public from any damage or harm  
16 caused by the animal. The Animal Care and Control Division shall provide the  
17 owner of the animal with a list of liability insurance options, which would be  
18 sufficient to compensate and protect the public from any damage or harm caused  
19 by the animal. Before requiring the purchase of insurance, the Animal Care and  
20 Control Division shall assess all factors, including, but not limited to, the owner's  
21 income and employment status, and the severity of the injury to the victim when  
22 requiring liability insurance.

1           a. Proof of liability insurance must be provided to the Animal Care and  
2           Control Division within seven days of the final determination. The  
3           insurance must be maintained for as long as the animal is determined to  
4           be dangerous, or until the animal dies.

5    **Sec. 6-3-4. Affirmative defenses**

6           It shall be an affirmative defense to Section 6-3-1 of this Code that the actual or intended  
7 victim of any attack:

- 8           (1) Made an unlawful entry into the dwelling of the animal's owner or keeper;  
9           (2) Made unlawful entry into a vehicle in which the animal was confined;  
10          (3) Threatened or attacked an owner or keeper of the animal; or  
11          (4) Provoked, tormented, abused, or inflicted injury upon the animal or its  
12          offspring in such a manner as to result in the attack or bite.

13 The owner of the animal shall not be limited to the above defenses and may seek any other defenses  
14 available under the law.

15    **Sec. 6-3-5. Transfer of animal deemed to be dangerous**

16          (a) Once a dangerous animal determination is made, transfers will only be allowed for  
17 level 1 determinations as follows:

- 18          (1) Upon the transfer of ownership or possession, the owner or transferor shall  
19          provide the police precinct in the jurisdiction where they currently reside as well  
20          as the Animal Care and Control Division with a signed, sworn, and notarized  
21          affidavit, approved to form by the corporation counsel, identifying the animal and  
22          its designation under this Article, certifying:

1           a. That full ownership, custody, control, and possession of the animal has  
2                   been transferred and granted to another person;

3           b. The transferor has notified the transferee of the dog's dangerous animal  
4                   status;

5           c. The name, address and telephone number of the new owner of the animal;

6           d. The effective date of the transfer;

7           e. That the animal no longer resides with the transferor;

8           f. The transferor does not intend to have the animal returned at any time to  
9                   their premises; and

10          g. That if the animal is returned at any time to the transferor's premises, the  
11                   transferor will notify the Animal Care and Control Division and comply  
12                   with all the requirements applicable to the animal under this Article.

13          (b) Any transferee of a dangerous animal shall be presumed to have received notice  
14 of the animal's classification, pursuant to Subsection (a)(1)(b.) of this section, and is responsible  
15 for contacting the Animal Care and Control Division to confirm that the animal is currently  
16 classified as a dangerous animal.

17          (c) Unless the animal is being transferred to an animal shelter or the Animal Care and  
18 Control Division, the transferee shall comply with all requirements that the original owner was  
19 mandated to follow at the time of the original dangerous animal determination.

20          (d) The transferee must submit all required documentation to the Animal Care and  
21 Control Division pertaining to the dangerous animal transfer, no later than ten days following  
22 the transfer.

1           (e) It shall be unlawful for an individual to attest that an animal has been transferred in  
2 accordance with this section in an attempt to injure or defraud the City of Detroit. The City of  
3 Detroit, through the Wayne County Circuit Court, shall pursue legal actions against a person  
4 found to have falsely attested to the transfer of an animal or transferred an animal not eligible  
5 for transfer, pursuant to MCL 750.248.

6 **Sec. 6-3-6. Burden of proof.**

7           (a) The Animal Care and Control Division shall use a preponderance of the evidence  
8 standard when making a dangerous animal determination.

9           (b) The 36<sup>th</sup> District Court shall use a clear and convincing evidence standard when  
10 making any determinations on appeal, or in issuing an order to euthanize.

11 **Sec. 6-3-7. Notice to police department; notice to animal care and control.**

12           (a) Upon making a dangerous animal determination, the Animal Care and Control  
13 Division shall notify the police precinct where such owner resides that the owner is in possession  
14 of a dangerous animal. In the event the owner moves within the City, it shall be the owner's  
15 responsibility to notify the new police precinct of the animal's dangerous determination status  
16 within seven days of the move.

17           (b) The Detroit Police along with the Animal Care and Control Division shall be  
18 notified immediately by the owner if:

19                   (1) The animal has escaped;

20                   (2) The animal has attacked a person or animal;

21                   (3) The animal has been transferred pursuant to Subsection 6-3-5(a) of this  
22 Code; or

23                   (4) The animal will be leaving the City of Detroit for any amount of time.

1 **Sec. 6-3-8. Return of animal to owner.**

2 An animal which has not been ordered euthanized shall be returned to the owner, once the  
3 owner is in compliance with all necessary requirements listed in this Chapter, and has paid all costs  
4 associated with housing the animal.

5 **Sec. 6-3-9. Removal of animal from dangerous animal classification.**

6 (a) The owner of an animal determined to be dangerous may petition the Animal Care  
7 and Control Division to have the classification of the animal changed or have the classification  
8 removed if the animal has been incident free for 18 months; if Animal Care and Control denies the  
9 removal or reclassification, the owner of the dangerous animal shall have the ability to submit an  
10 appeal to the 36<sup>th</sup> District Court.

11 (b) Animal Care and Control shall develop a standard which may be used when  
12 determining if a dangerous animal shall be reclassified or have its classification removed.

13 **Sec. 6-3-10. Death of dangerous animal.**

14 Upon the death of any animal with a dangerous animal determination, the owner shall  
15 provide the Administrator, or the Administrator's designee, with a signed, sworn, and notarized  
16 affidavit, approved by corporation counsel, identifying the animal and its designation under this  
17 Chapter and stating that the animal is deceased.

18 **Sec. 6-3-11. Other remedies under the law.**

19 Nothing in this Chapter shall prevent an injured party from seeking other legal remedies,  
20 including, but not limited to, wrongful death, or negligence.

21 **Section 2.** In 2017, this Honorable Body passed the "Xavier Strickland Memorial  
22 Animal Ordinance" to honor the life and memory of Xavier Strickland, who was fatally injured by



1 dangerous dogs, in this amendment we continue to honor the life and memory of Xavier Strickland  
2 and show our commitment to providing the residents of Detroit a safe and peaceful place to reside.

3 **Section 3.** This ordinance is hereby declared necessary to preserve the public peace,  
4 health safety and welfare of the People of the City of Detroit.

5 **Section 4.** All ordinance, or parts of ordinances, that conflict with this ordinance are  
6 repealed.

7 **Section 5.** In the event this ordinance is passed by two-thirds (2/3) majority of City  
8 Council Members serving, it shall be given immediate effect and become effective upon  
9 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this  
10 ordinance is passed by less than two-thirds (2/3) majority of City Council Members serving, it  
11 shall become effective on the thirtieth (30) day after enactment, or on the first business day  
12 thereafter, in accordance with Section 4-118 of the 2012 Detroit City Charter.

13 **Secs. 6-3-12 – 6-3-20. Reserved**

**Approved as to form:**

  
Lawrence T. Garcia  
Corporation Counsel