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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: August 26, 2024

RE: ORDINANCE AMENDING CHAPTER 6, ARTICLE VII OF THE DETROIT CITY CODE, PET SHOPS

Council Member Angela Whitfield-Calloway requested that the Legislative Policy Division (LPD) provide an amendment to Chapter 6, Article VII of the 2019 Detroit City Code prohibiting the sale of cats and dogs in Detroit pet shops.

Please contact our office if we can be of any further assistance.

SUMMARY

This Ordinance amends Chapter 6 of the 2019 Detroit City Code, *Animal Care, Control, and Regulation*, by amending Article I, *Definitions*, and Article VII, *Pet Shops*, and renumbering Section 6-7-3, *Sale of diseased, injured, maimed, or sick animal prohibited*, Section 6-7-4, *Injured or sick animals to be reported; care by a licensed veterinarian or others*, Section 6-7-5, *Representations as to health or pedigree*, Section 6-7-6, *Human treatment of animals*, Section 6-7-7, *Approval of Department; agreement by applicants and licensees*, all to prohibit the sale of dogs and cats by pet shops.

DRAFT

1 **BY COUNCIL MEMBER** _____ :

2 **AN ORDINANCE** to amend Chapter 6 of the 2019 Detroit City Code, *Animal Care,*
3 *Control, and Regulation*, by amending Article I, *Definitions*, and Article VII, *Pet Shops*, and
4 renumbering Section 6-7-3, *Sale of diseased, injured, maimed, or sick animal prohibited*, Section
5 6-7-4, *Injured or sick animals to be reported; care by a licensed veterinarian or others*, Section 6-
6 7-5, *Representations as to health or pedigree*, Section 6-7-6, *Human treatment of animals*, Section
7 6-7-7, *Approval of Department; agreement by applicants and licensees*, all to prohibit the sale of
8 dogs and cats by pet shops.

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

11 **Section 1.** Chapter 6 of the Detroit City Code, *Animal Care, Control, and Regulation*, be
12 amended by amending Sections 6-1-2 and 6-7-3, and be renumbering Sections 6-1-3 through 6-
13 1-7 as follows:

14 **CHAPTER 6. ANIMAL CARE**

15 **ARTICLE I. GENERALLY**

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

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

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

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

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

-
- 1 (2) Provides adequate space for each animal;
- 2 (3) Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight,
- 3 the adverse effects of heat or cold, physical suffering, and impairment of health;
- 4 (4) Is properly lighted;
- 5 (5) Is properly cleaned;
- 6 (6) Enables each animal to be clean and dry, except when detrimental to the species;
- 7 (7) During hot weather, is properly shaded and does not readily conduct heat;
- 8 (8) During cold weather, has a wind-break at its entrance and provides a quantity of
- 9 bedding material consisting of straw, cedar shavings, or the equivalent that is sufficient to protect
- 10 the animal from cold and promote the retention of body heat; and
- 11 (9) For dogs and cats, provides a solid surface, resting platform, pad, floor mat or
- 12 similar device that is large enough for the animal to lie on in a normal manner and can be
- 13 maintained in a sanitary manner.
- 14 Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass
- 15 through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the
- 16 animals' feet or toes from injury are not adequate shelter.
- 17 *Adequate space* means sufficient space to allow each animal to:
- 18 (1) Easily stand, sit, lie, turn about, and make all other normal body movements in a
- 19 comfortable, normal position for the animal; and
- 20 (2) Interact safely with other animals in the enclosure.

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

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

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

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

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

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

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

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

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

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(Supp. No. 3)

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

4 *Dangerous animal* means an animal that:

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

6 or

7 (2) Has attacked, bitten, or otherwise caused injury to another domesticated animal

8 without provocation; or

9 (3) Has chased or approached any person on one or more occasion and without

10 provocation on any public property, or on any private property that is not the property of the

11 animal's owner, in an apparent attempt to attack or injure the person.

12 *Dangerous animal determination* means a written declaration or order issued by the

13 Administrator, or the Administrator's designee, finding that an animal is a dangerous animal as

14 defined in this section.

15 *Department* means the Health Department, or successor department, with administrative

16 oversight and control of the Animal Care and Control Division.

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 *Enclosure* or *primary enclosure* means, for an animal that has not been determined to be

20 potentially dangerous or dangerous under this chapter, a pen or structure used to confine an

21 animal out of doors that is kept in a sanitary condition, provides adequate space, is properly

1 lighted, and provides adequate shelter. In addition, an enclosure or primary enclosure for an
2 animal determined to be potentially dangerous or dangerous under this chapter shall also be
3 required to have appropriate signage, be a minimum of six feet in height and constructed so that
4 the sides shall be embedded into the ground by a depth of at least two feet or be constructed on
5 and secured to a concrete pad with a complete, secure top to prevent escape, and is locked to
6 prevent accidental access or escape.

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

10 *Foster care provider* means a person who, or entity which, provides care or rehabilitation for
11 companion animals through an affiliation with a public or private animal shelter, home-based
12 rescue, releasing agency, or other animal welfare organization and accepts the responsibility and
13 stewardship of animals not to exceed the number of animals permitted pursuant to Section 6-2-
14 1(d) of this Code.

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

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

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

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

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

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

11 *Neglect*, means as likewise defined by Section 50 of the Michigan Penal Code, being MCL
12 750.50, to fail to sufficiently and properly care for an animal to the extent that the animal's health
13 is jeopardized.

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

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

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

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

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

4 (4) Damaging inanimate personal property.

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

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

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

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

18 *Potentially dangerous animal* means an animal that:

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

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

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

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

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

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

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

19 *Releasing agency* means either a public animal shelter or a private animal shelter, humane
20 society, animal welfare organization, society for the prevention of cruelty to animals, or other
21 similar entity or home-based rescue that releases companion animals for adoption and that is

1 registered as required by applicable state law and this Code. A releasing agency shall be
2 registered with federal, state, and appropriate agencies for charitable solicitation purposes.

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

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

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

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

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

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

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

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

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

6 (1) As defined in 28 CFR 36.104, any dog that is individually trained to do work or perform
7 tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric,
8 intellectual, or other mental disability. Other species of animals, whether wild or domestic,
9 trained or untrained, are not service animals for purposes of this definition. The work or tasks
10 performed by a service animal must be directly related to the individual's disability. Examples of
11 work or tasks include, but are not limited to, assisting individuals who are blind or have low
12 vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the
13 presence of people or sounds, providing non-violent protection or rescue work, pulling a
14 wheelchair assisting an individual during a seizure, alerting individuals to the presence of
15 allergens, retrieving items such as medicine or the telephone, providing physical support and
16 assistance with balance and stability to individuals with mobility disabilities, and helping persons
17 with psychiatric and neurological disabilities by preventing or interrupting impulsive or
18 destructive behaviors. The crime deterrent effects of an animal's presence and the provision of
19 emotional support, well-being, comfort, or companionship do not constitute work or tasks for the
20 purposes of this definition; and

-
- 1 (2) A miniature horse that has been individually trained to do work or perform tasks as
2 described in 28 CFR 36.104 for the benefit of a person with a disability.
- 3 *Spay, spayed, or spaying* means to make a female animal incapable of reproducing.
- 4 *Stray animal* means any animal, including, but not limited to, a licensed or an unlicensed dog,
5 running at large and loose on public property, or private property that is not the property of the
6 owner, without restraint and not under the control of the owner, harborer or keeper.
- 7 *Tether* means to secure a dog to a stationary object by means of a metal chain or coated steel
8 cable for keeping a dog restrained in its movement but does not mean walking a dog on a leash
9 or restraining a dog for temporary grooming or other professional service.
- 10 *Unlicensed dog* means a dog not currently licensed by the Animal Care and Control Division or
11 any expired dog license issued by another governmental unit for dogs temporarily in the City
12 under Section 6-5-3 of this Code.
- 13 *Urban farm* means over one acre of land under common ownership that:
- 14 (1) May be divided into plots for cultivation by one or more individuals and/or groups or
15 may be cultivated by individuals and/or groups collectively;
- 16 (2) Is used to grow and harvest food crops and/or non-food crops for personal or group use;
- 17 (3) Has products, which may or may not be for commercial purposes;
- 18 (4) Includes an orchard or a tree farm that is a principal use; and
- 19 (5) Is one of the following:
- 20 a. Contiguous; or
- 21 b. Non-contiguous and on the same block; or

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

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

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

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

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

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

15 (Code 1984, § 6-1-1; Ord. No. 04-04, § 1(6-1-1), eff. 2-17-2004; Ord. No. 06-17, § 1(6-1-1), eff.
16 4-20-2017; Ord. No. 28-18, § 1(6-1-1), eff. 12-12-2018; Ord. No. 2020-5 , § 1, eff. 9-27-2020)

17 **ARTICLE VII. PET SHOPS**
18 **DIVISION 1. GENERALLY**

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

1 All animals offered for sale by a pet shop shall be confined in a kennel or cages that have
2 been approved by the Michigan Department of Agriculture and Rural Development and by the
3 Department.

4 **Sec. 6-7-2. Pet shop requirements.**

5 (a) A pet shop may operate only in a permanent building or structure.

6 (b) The permanent building or structure used in the operation of a pet shop shall be
7 provided with proper sanitary refuse receptacles and with floors that can be properly cleansed and
8 flushed.

9 (c) The operator of a pet shop must conform to the rules and regulations of the
10 Michigan Department of Agriculture and Rural Development and of the Department concerning
11 the operation of a pet shop.

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

13 **No person operating a pet shop within the City shall sell, or offer for sale, any dogs**
14 **or cats. Nothing in this section shall prevent a pet store or its owner, operator, or employees**
15 **from providing space and appropriate care for animals owned by an animal control shelter,**
16 **rescue organization, foster care provider, or foster home, (as defined in this Article) and**
17 **maintained at the pet store for the purpose of adopting those animals to the public. In**
18 **addition to any other penalties which may be imposed for violation of this section, a pet shop**
19 **may have its City license suspended, revoked, or not renewed in accordance with Chapter**
20 **28 of this Code, Licenses.**

21 **Sec. ~~6-7-3~~ 6-7-4. Sale of diseased, injured, maimed, or sick animals prohibited.**

1 No person operating a pet shop within the City shall sell, or offer for sale, any diseased,
2 injured, maimed, or sick animals.

3 **Sec. ~~6-7-4~~ 6-7-5. Injured or sick animals to be reported; care by a licensed veterinarian or**
4 **others.**

5 All diseased, injured, maimed, or sick animals must be reported immediately by the person
6 operating a pet shop to the Department, and thereafter, such animal shall be under the control of a
7 licensed veterinarian or other person duly authorized by the Department until the animal is
8 permanently cured, healed, or euthanized.

9 **Sec. ~~6-7-5~~ 6-7-6. Misrepresentations as to health or pedigree.**

10 No person operating a pet shop licensed under this article shall misrepresent in any way
11 the health condition or pedigree of any animal offered for sale or to refuse to issue to the purchaser
12 a written guarantee of the health or pedigree of the animal at the time of sale where requested to
13 do so.

14 **Sec. ~~6-7-6~~ 6-7-7. Humane treatment of animals.**

15 (a) Every pet shop shall treat all animals in its care, custody or possession humanely
16 and in accordance with the rules and regulations of the Department and of the Michigan
17 Department of Agriculture and Rural Development.

18 (b) No pet shop licensed under this article shall fail or refuse to humanely treat any
19 animal in its care, custody or possession. In addition to any other penalties which may be imposed
20 for violation of this section, a pet shop may have its City license suspended, revoked, or not
21 renewed in accordance with Chapter 28 of this Code, *Licenses*.

1 **Sec. ~~6-7-7~~ 6-7-8. Approval of Department; agreement by applicants and licensees.**

2 (a) Upon application, the Department is authorized, after determining that the
3 establishment or place where a pet shop is conducted or intended to be conducted is a proper place,
4 to approve the operation, or the continuing operation, of a pet shop at a specified location. An
5 approval shall not be made until the Department determines by inspection that the establishment
6 or place meets all the requirements of this article.

7 (b) Applications for the required approval from the Department shall state that the
8 building or structure where the applicant conducts, or intends to conduct, a pet shop meets City
9 requirements for a pet shop, shall provide all information required by the Department, and shall
10 contain an agreement by which the applicant consents to the inspection of any part of the premises
11 used in connection with operating the pet shop by the Department, or any person authorized by the
12 Michigan Department of Agriculture and Rural Development, to ensure compliance with this Code
13 or any rule and regulation of the Michigan Department of Agriculture and Rural Development or
14 the Department, which governs the operation of a pet shop.

15 **Secs. ~~6-7-8~~ 6-7-9—6-7-20. Reserved**