

MODEL LOCAL ORDINANCE LIBRARY

The Michigan Humane Society has worked for more than a century to enact legislation that will protect and benefit animals and to fight legislation that would be detrimental to animal welfare. We know that carefully crafted legislation that is appropriately enforced can have a lasting and positive impact on animals in our state.

While there are some animal issues that can be legislated effectively at the state level, there are many animal-related issues that are seen as matters more appropriate for local regulation. Ordinances passed by a county or municipality have the ability to be tailored to a particular community's needs, often with direct input from those who will be responsible for enforcing them.

If you are an animal advocate or are thinking about getting involved in advocacy, local ordinances may be the best place to focus your efforts. The following webinars provide helpful information about advocacy and may be a great place to start to gather information about what local advocacy, and advocacy in general, entails. These webinars are produced by the Animal Legal Defense Fund (ALDF), a national nonprofit founded with the mission "to protect the lives and advance the interests of animals through the legal system." These webinars are free to anyone with an interest:

Lobbying 101: Advocacy in a New Era - <https://aldf.org/article/webinars/lobbying-101-advocacy-in-a-new-era/>

***Using Local Legislation to Protect Animals: Prohibiting Circuses and Traveling Shows that Exploit Animals** - <https://aldf.org/article/webinars/using-local-legislation-to-protect-animals-prohibiting-circuses-and-traveling-shows-that-exploit-animals/>

Messaging a Movement 2020 - <https://aldf.org/article/webinars/messaging-a-movement/>

***Using Local Legislation to Protect Animals: Retail Pet Sale Bans** - <https://aldf.org/article/webinars/using-local-legislation-to-protect-animals-2019/>

*Although these webinars focus on specific advocacy issues, they both contain information that is applicable to local advocacy on any issue.

We often receive requests from representatives of local government and members of the public who are concerned about a local animal welfare issue. We always encourage reaching out to the elected officials in Lansing representing that community to explore the possibility of state legislation, but we also suggest considering the possibility of pursuing a local ordinance to address the issue.

While we do not provide legal advice, we are always willing to review and discuss bill or ordinance drafts. We also understand that often, when the time comes to draft a new ordinance, the hardest part is knowing where to start. For that reason, we have created this library of local ordinances on a variety of animal welfare issues. A few caveats:

- This is not an exhaustive list of topics or potential ordinance examples.
- The local ordinance examples were selected by MHS for this purpose because they are well written, enforceable, and practical.
- We encourage anyone interested in pursuing a local ordinance on one of these topics to use the example provided as a template that should be tailored to the community's needs.

- Sharing your draft with as many stakeholders as possible and getting their approval before trying to enact the ordinance is likely to save you a lot of time and aggravation and will greatly increase your chance of success.
- If there is a state law on the topic, it will also be provided. You may decide that the state law is sufficient, and you should speak with local law enforcement about enforcing the state statute. If you decide a local ordinance is necessary, please keep in mind that your local ordinance cannot conflict with the state statute. Local ordinances may be stricter, but not less strict, than the state's statutes.
- These guidelines and samples do not constitute legal advice.
- These ordinances and statutes were current as of May 2020. Please do not rely on them as a source of current law and visit the original source for the most up-to-date version.

Again, if you are working on an ordinance and would like to review and/or discuss it with us, please contact Ann Griffin, Director of Advocacy, at agriffin@michiganhumane.org. Thank you for your concern for animal welfare. We hope this library will be helpful to you in your efforts.

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Allowing Chickens

East Lansing, Michigan – Code of Ordinances

Chapter 4 – Animals

Sec. 4-4. - Keeping domestic animals and fowl.

(e) Notwithstanding subsection (a) of this section [restricting types of animals that may be kept in the city], persons may keep chickens if done so in conformity with all of the following:

(1) Any person who keeps chickens in the city shall obtain a permit from the city prior to acquiring the chickens. Application shall be made to the city clerk with a fee as determined by council resolution.

(2) Permits expire and become invalid five years after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

(3) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(4) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:

a. Have been issued the permit required under subsection (1) of this section.

b. Keep no more than four chickens.

c. The principal use of the person's property is for a single-family dwelling.

d. No person shall keep any rooster.

e. No person shall slaughter any chickens.

f. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times.

Fenced and covered enclosures are subject to all provisions of chapter 50 (zoning).

g. A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code.

h. No covered enclosure or fenced enclosure shall be located closer than ten feet to any property line of an adjacent property.

i. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property.

j. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

(5) If the above requirements are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation. Each day a violation exists shall constitute a separate offense.

(6) A person who has been issued a permit shall submit it for examination upon demand by any police officer or code enforcement officer.

(7) This section shall not regulate the keeping of chickens in those areas zoned residential agricultural district, RA, or agricultural-A, where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.

An article on advocating for permission to keep chickens (with strategies potentially applicable to other animal advocacy issues): <https://www.motherearthnews.com/homesteading-and-livestock/how-to-change-local-backyard-poultry-ordinances-zbcz1812>

State of Michigan – N/A

Animal Care Standards – Shelter and Space

Detroit City Code

Chapter 6 – Animal Care, Control, and Regulation

Sec. 6-1-2. Definitions.

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 windbreak 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 all 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.

State of Michigan

§ 750.50 Definitions [Michigan Penal Code]

(1) As used in this section and section 50b:

(l) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter, for livestock, includes structures or natural features such as trees or topography. Shelter, for a dog, includes 1 or more of the following:

- (i) The residence of the dog's owner or other individual.
- (ii) A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse must have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- (iii) A structure, including a garage, barn, or shed, that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (ii) that is accessible to the dog.

Animal Care Standards – Food and Water

Center Line, Michigan Code of Ordinances

Part II – Code of Ordinances

Chapter 10 – Animals

Sec. 10-7. - Proper feeding required.

It shall be unlawful to feed any animal unwholesome or unsuitable food, or unclean water to drink, which is likely to cause or produce disease in the animal.

State of Michigan

§ 750.50 Definitions [Michigan Penal Code]

(1) As used in this section and section 50b:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and veterinary medical attention in order to maintain an animal in a state of good health.

(o) "Water" means potable water that is suitable for the age and species of animal and that is made regularly available unless otherwise directed by a licensed veterinarian.

(2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:

- (a) Fail to provide an animal with adequate care.

["Food" is not defined.]

Animal Care Standards – Veterinary Care

Holland, Michigan Code of Ordinances

Part II – Code of Ordinances

Article II – Dogs

Injured animals requiring emergency care.

[Ord. No. 804]

An animal requiring medical or veterinary care resulting from an accident, injury or other activity may be removed by the Animal Control Officer for appropriate medical or veterinary treatment and care. Any costs incurred for the medical or veterinary treatment of the animal shall be paid by the owner. Failure to pay the costs incurred pursuant to this section shall constitute a violation of this chapter.

Code of Ordinances of the City of Warren, Michigan

Chapter 7 – Animals

Title I – In General

Sec. 7-15. - Animal cruelty.

(a) Definitions. The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

(1) *Adequate care* means the provision of sufficient food, water, shelter, sanitary conditions, and **veterinary medical attention** in order to maintain an animal in a state of good health.

(c) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(1) Fail to provide an animal with adequate care.

State of Michigan

§ 750.50 Definitions [Michigan Penal Code]

(1) As used in this section and section 50b:

(a) "Adequate care" means the provision of sufficient food, water, shelter, sanitary conditions, exercise, and **veterinary medical attention** in order to maintain an animal in a state of good health.

(2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:

(a) Fail to provide an animal with adequate care.

Backyard Breeding/Hobby Breeding

Eastpointe, Michigan Code of Ordinances

Chapter 8 – Animals

Article I. – In General

Sec. 8-18. - Requirement to spay and neuter.

(a) Requirement. No person may own, keep, or harbor more than one nonspayed female dog and one nonneutered male dog. An owner or custodian of two unaltered dogs of the opposite sex shall be required to have at least one of the owned, kept, or harbored dogs spayed or neutered by the age of one year.

(b) Exceptions. The provisions of this section shall not apply to:

(1) A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered due to age or infirmity as verified by a licensed veterinarian.

(2) A dog that can be safely spayed or neutered at a later date as verified by a licensed veterinarian provided said later date is confirmed in writing.

(3) An owner registered by the state of Michigan as a licensed kennel/breeder.

(4) Any dog with a minimum of one year show experience with provided documentation.

(c) Impounding of dog. At the discretion of the animal control officer, a nonspayed or nonneutered dog may be impounded but released to the owner or custodian upon their signing of a statement attesting, under penalty of perjury, that the nonspayed dog or nonneutered dog shall be spayed or neutered within ten days of release or is otherwise incapable of breeding. Compliance with the requirements of this subsection shall be verified in writing by a licensed veterinarian.

(d) Violations; penalty. Upon violation of this section, the owner or custodian shall be guilty of a misdemeanor which, upon conviction, shall be punished by a fine not to exceed \$500.00 or imprisonment for a term not to exceed 93 days in jail, or both, and the court may order a dog to be spayed or neutered in accordance with this section.

Detroit City Code

Chapter 6 – Animal Care, Control, and Regulation

Section 6-5-7. Breeder's 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 license 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.

State of Michigan ("large-scale" breeders)

287.331 Definitions.

(o) "Large-scale dog breeding kennel" means a facility where more than 15 female intact dogs over the age of 4 months are housed or kept for the primary purpose of breeding. As used in this subdivision,

"housed or kept for the primary purpose of breeding" means that the female dog has previously been bred and whelped. A female dog that has not previously produced offspring shall not be considered to have been housed or kept for the primary purpose of breeding.

287.332 Rules; promulgation.

(1) The department may promulgate rules to accomplish the purposes of this act and to establish minimum standards for the housing, care, and handling of animals to insure the humane care and handling of animals. The department may also promulgate rules to establish minimum standards for large-scale dog breeding kennels. The rules shall be promulgated in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Except as otherwise provided in this subsection, until the department promulgates rules under subsection (1), a large-scale dog breeding kennel is subject to R 285.151.1 to R 285.151.41 of the Michigan administrative code. Notwithstanding R 285.151.25 of the Michigan administrative code, in a large-scale dog breeding kennel, a female dog in estrus may be housed with intact male dogs for the purpose of breeding.

[Please note that the Michigan Department of Agriculture and Rural Development (MDARD/the Department) has not yet promulgated rules for large-scale dog breeding kennels.]

287.336 Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration.

(1) A municipality shall not operate an animal control shelter unless the animal control shelter is registered with the department.

(2) A society for the prevention of cruelty to animals or any other person shall not operate an animal protection shelter unless the shelter is registered with the department.

(3) A person shall not operate a large-scale dog breeding kennel unless the large-scale dog breeding kennel is registered with the department. The department shall charge an annual fee of \$500.00 per registration of a large-scale dog breeding kennel.

(4) This act is not intended to apply to a dog owner or breeder other than a person that operates a large-scale dog breeding kennel.

287.337 Animal control shelter, animal protection shelter, or large-scale dog breeding kennel; registration application; form.

Application for registration of an animal control shelter, an animal protection shelter, or a large-scale dog breeding kennel shall be on a form prescribed by the director.

287.339c Large-scale dog breeding kennel; records.

(1) A large-scale dog breeding kennel shall maintain current verifiable records for a period of at least 2 years. The records shall include all of the following information:

(a) The verified name and address of the person from whom the dog was acquired, where the dog was acquired, and the date that the dog was acquired.

(b) A description and identification of the dog, including the dog's identification information, color, breed, sex, alteration status, and approximate weight and age.

(c) The date and method of disposition of the dog. If the dog is adopted, transferred, or sold, the records shall also include the verified name and address of the person to whom the dog is adopted, transferred, or sold.

(d) The number of dogs on site daily at each physical location.

(e) The number of intact breeding adult female dogs on site daily at the physical location.

(f) Breeding records for each female intact dog that include the approximate date the dog was bred and the birth date and size of each litter during the time that the dog was at the physical location.

(2) A large-scale dog breeding kennel shall make the records required under subsection (1) available to the director or his or her representative on request.

Dangerous Animals*

Charter and Code of Ordinances of the City of Sterling Heights, Michigan

8-28. POTENTIALLY DANGEROUS DOGS.

The purpose of this section is to establish a procedure for identifying dogs that pose a potential or significant threat to the safety of people, animals, or property, to impose precautionary restrictions on such dogs in an effort to prevent a serious injury from occurring, and to promote responsible ownership of all dogs within the city.

(A) Determination of a potentially dangerous dog. The determination that a dog is potentially dangerous shall be based on the following specific behaviors exhibited by the dog:

(1) Menaces, chases, displays threatening or aggressive behavior toward, or otherwise threatens or endangers the safety of a person or domestic animal.

(2) Causes injury to a person or domestic animal that is less than a severe injury. For purposes of this section, the term "severe" injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function.

(3) Aggressively bites a person or domestic animal. For purposes of this section, the term "aggressively bites" means the dog physically bit the person or animal in a manner not normally associated with playfulness or accidental behavior while exhibiting objective signs of aggression, attack behavior, or intent to harm. The damage inflicted by a bite, or lack thereof, may also be used by animal control officials as a factor in determining whether a bite was aggressive.

(4) Any of the behaviors listed above exhibited in another community and documented in an official report of any law enforcement or animal control agency.

(B) Notice of determination and right of appeal. An animal control officer shall have the authority to make a determination that a dog is potentially dangerous if the animal control officer concludes the dog has exhibited the behaviors specified in this section. The owner or keeper of a dog determined to be potentially dangerous shall be provided with a notice containing the following information:

(1) A summary of the findings that form the basis for the determination that the dog is potentially dangerous.

(2) Notice of requirements necessary to possess a potentially dangerous dog in the city.

(3) Notice of the right to submit a written appeal of the determination that the dog is potentially dangerous to the Board of Ordinance Appeals within ten calendar days from the date of the notice. The notice shall:

(a) Provide instructions for taking an appeal;

(b) Indicate that the appeal will be considered at the next regular meeting of the Board of Ordinance Appeals to be held at least three calendar days from the date of the notice, unless an earlier meeting is scheduled and the owner requests in writing for the appeal to be heard at that meeting;

(c) Indicate that the determination that the dog is potentially dangerous is final and conclusive if an appeal is not taken; and

(d) Indicate that ownership of the dog will be deemed forfeited to the city if any of the following occur:

- a. An appeal is not taken and the owner has not secured permanent relocation of the dog or satisfied all of the requirements set forth below for possession of a potentially dangerous dog within 14 calendar days from the date of the notice.
- b. The Board of Ordinance Appeals upholds the determination that the dog is potentially dangerous and the owner or keeper has not secured permanent relocation of the dog or satisfied all of the conditions set forth in this section, and any other conditions established by the Board, for possessing the potentially dangerous dog within 14 days of the appeal hearing.
- c. Animal control and the Board of Ordinance Appeals shall have the authority, but no obligation, to extend any of the deadlines set forth in this division for demonstrable good faith progress toward relocation of the dog or toward satisfaction of the possession requirements.

(4) Notice of the right to request removal of the potentially dangerous classification after the dog has resided and been licensed within the city for a minimum of three full years following the date the dog is licensed with the city as a potentially dangerous dog without any violations of the conditions required for keeping the potentially dangerous dog and without any new incidents involving behavior by the dog that would qualify for a potentially dangerous determination pursuant to this section. The removal request shall be sent in writing to animal control. The decision to remove the potentially dangerous classification shall be made in the first instance by animal control upon a review of the history of the dog and its residence for the three years preceding the date of the removal request, including a premises inspection and an inspection of the dog to ensure that the conditions set forth in this section have been followed. If the request is denied, the owner may appeal the denial to the Board of Ordinance Appeals within ten calendar days. Owners shall only be permitted one request and one appeal during any 12-month period.

(C) Mitigating circumstances. An animal control officer shall have discretion to refrain from making a potentially dangerous determination if the animal control officer determines that the behavior was the result of the victim abusing or tormenting the dog, was directed toward a trespasser or person committing or attempting to commit a crime, involved accidental or instinctive behavior while playing, did not involve a significant injury, or other similar mitigating or extenuating circumstances.

(D) Impoundment. A dog that is determined to be potentially dangerous shall be removed from the city and placed with the Macomb County Animal Shelter or, in the discretion of Animal Control, the owner may authorize placement of the dog at a residential home outside of the city, or with a qualified rescue organization or qualified dog lodging business, during any quarantine period and until the owner has either confirmed a new place of residence for the dog outside of the city or has exhausted any appeals permitted by this section. If the dog is not being housed at the shelter, it must first be microchipped with all information required by animal control. All impoundment, lodging, and microchipping costs are the sole responsibility of the dog's owner.

(E) Requirements for possession of a potentially dangerous dog. If the owner of the dog requests that the dog be permitted to return to the city, its return shall not be permitted until the following requirements have been satisfied:

(1) Animal control shall confirm the following:

- (a) The owner or keeper shall install secure fencing at the property where the dog will reside which is maintained in good repair with self-locking ingress or egress gates. The fencing may be any combination of chain link fencing and/or privacy fencing, shall only

be installed upon obtaining all required fence permits from the city, and shall pass all required inspections prior to the dog's return to the property,

(b) When removed from the property of the owner or keeper, a potentially dangerous dog shall always be restrained by a secure leash of no more than four feet in length and under the control of a capable person.

(c) A potentially dangerous dog shall have a microchip implanted by a licensed veterinarian. The microchip shall contain the name and approximate age of the dog, its classification as potentially dangerous, and the name, address, and telephone number of the registered owner.

(d) The owner shall obtain and maintain public liability insurance with policy coverage in the minimum amount of \$250,000.

(e) Two recent color photographs of the dog, which clearly show the color and approximate size of the animal, shall be provided to animal control.

(f) The potentially dangerous dog shall meet the requirements of the AKC's Canine Good Citizen Program, or its equivalent, to the satisfaction of animal control. Dogs that are under one year of age are ineligible for the AKC Canine Good Citizen Program, so such dogs must be enrolled in or have completed the AKC START Program or an equivalent approved by animal control. The dog may not return to its city residence until these requirements have been met, but it may be kept at a qualified rescue or dog housing business until proof of successful completion of the program is submitted to, and acknowledged by, animal control and the City Clerk. For every future violation of this chapter for which a dog may be determined to be potentially dangerous which occurs after the dog has completed the requirements of this subsection and been properly registered under this section, additional training or testing, including but not limited to renewing the dog's compliance with this division, may be imposed by animal control as a condition of continuing to keep the dog within the city unless the dog's status is changed to dangerous due to the nature or frequency of the new violation(s).

(g) The potentially dangerous dog, if over 12 weeks old, has been spayed or neutered.

(h) All impoundment and lodging costs have been paid by the owner.

(2) Before the dog returns to any property within the city other than a qualified rescue organization or a boarding business, the owner of a potentially dangerous dog shall ensure that the dog's license is current and shall register the dog with the City Clerk as a potentially dangerous dog with all information required by the City Clerk's potentially dangerous dog registration form, as well as the following:

(a) Proof of animal control's certification that the required fence, self-locking gate, and leash have all been procured for the dog.

(b) Proof of microchipping and the information contained on the microchip. The owner shall ensure that the microchip information provided to the city is kept up to date.

(c) Proof of the required insurance policy.

(d) Proof of the successful completion of the required training and temperament testing.

(e) Two recent color photographs of the dog, which clearly show the color and approximate size of the animal.

(3) The owner or keeper of a potentially dangerous dog must, within ten business days, report to the City Clerk if the dog has been permanently removed from the city, has died, or has relocated within the city. The new address of a relocated potentially dangerous dog shall be provided as part of the report to the City Clerk.

(4) After its initial registration, a potentially dangerous dog shall be registered with the City Clerk annually and its owner or keeper shall pay a registration fee established by the city's annual appropriations ordinance. This registration and fee shall be in addition to any other requirements for annual licensing of an animal.

(E) Visiting Dogs. Any dog that does not reside within the city and is licensed by another community but which is determined to be a potentially dangerous dog pursuant to this section shall not be subject to the conditions for possessing a potentially dangerous dog within the city, except that the dog shall be microchipped before its release, all impound and microchipping costs shall be paid by the owner, and its owner and keeper shall be advised by animal control that the dog is not to return unless all of the conditions for possessing a potentially dangerous dog are first satisfied. In the event the dog is subsequently in the city without full compliance with the requirements for possessing a potentially dangerous dog, the person harboring or possessing the dog shall be subject to the penalties set forth in division (F).

(F) Penalties.

(1) Except as provided in division (F)(2), any person who owns, harbors, keeps, or possesses a potentially dangerous dog in violation of any of the requirements of this section for possessing a potentially dangerous dog, or who in any way aids or abets such ownership, harboring, keeping, or possession, shall be responsible for a municipal civil infraction. The fine for a first violation shall be \$500; for a second violation, \$750; and for all subsequent violations, \$1,000 per violation. The court may only waive or reduce these fines in cases of financial hardship, upon good cause shown, if the offender forfeits all ownership and possessory rights to the offending dog and forfeits future dog ownership and possessory rights until the offender has successfully completed animal ownership educational training satisfactory to the city's animal control officers and for a period of time determined appropriate by the court.

(2) In addition to the civil penalties set forth in division (F)(1), a potentially dangerous dog shall be subject to immediate impoundment by an animal control officer if it is determined that the dog is owned, possessed, harbored or maintained in violation of this section. The animal control officer shall issue a notice to the owner or keeper of the potentially dangerous dog which indicates the hearing date at which the city's Board of Ordinance Appeals will address the violations. The city shall provide notice of the hearing to any victim and/or any owner of an animal victimized by the potentially dangerous dog.

(3) Any hearing scheduled for consideration by the Board of Ordinance Appeals shall be administratively canceled if the owner or keeper withdraws the requested appeal, corrects all correctable violations to the satisfaction of animal control, satisfies the conditions for possessing a potentially dangerous dog, permanently relocates the dog to the satisfaction of animal control, or forfeits ownership rights to the potentially dangerous dog prior to the scheduled Board hearing. The owner or keeper shall be responsible for all impound fees and costs, regardless of whether the hearing is held or canceled. If a hearing is held, the Board shall:

(a) Determine whether the status of the dog as potentially dangerous shall be upheld and, if so, the conditions applicable for return of the potentially dangerous dog to the owner or keeper, including but not limited to deadlines for correcting any uncorrected violations and random inspections of the premises and the potentially dangerous dog by an animal control officer, with the owner or keeper responsible for payment of inspection fees established by the city's annual appropriations ordinance. In the event of noncompliance, the Board may impose conditions on removal from the city that are rationally related to the public interest in protecting others from any potential future harm that could be caused by the potentially dangerous dog. Failure to comply or remove the dog in accordance with the decision of the Board within the timeframe

established by the Board shall result in forfeiture of ownership rights to the dog in favor of the city, in which event animal control shall determine the final placement or disposition of the dog.

State of Michigan

DANGEROUS ANIMALS

Act 426 of 1988

AN ACT to regulate dangerous animals; to provide for the confinement, tattooing, or destruction of dangerous animals; and to provide penalties for the owners or keepers of dangerous animals that attack human beings.

§ 287.321 Definitions.

As used in this act:

(a) "Dangerous animal" means a dog or other animal that bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. However, a dangerous animal does not include any of the following:

(i) An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner.

(ii) An animal that bites or attacks a person who provokes or torments the animal.

(iii) An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

(iv) Livestock.

(b) "Livestock" means animals used for human food and fiber or animals used for service to human beings. Livestock includes, but is not limited to, cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Livestock does not include animals that are human companions, such as dogs and cats.

(c) "Owner" means a person who owns or harbors a dog or other animal.

(d) "Provoke" means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.

(e) "Serious injury" means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(f) "Torment" means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.

§ 287.322 Sworn complaint; summons; surrender of animal; expense; rabies vaccination and license required; destruction of animal; notification of animal control authority; ordering owner of animals to take certain actions.

(1) Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to a dog, a district court magistrate, district court, or a municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.

(2) Upon the filing of a sworn complaint as provided in subsection (1), the court or magistrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by

them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law.

(3) After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or a dog. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal.

(4) If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do 1 or more of the following:

(a) If the animal that has been found to be a dangerous animal is of the *canis familiaris* species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the Michigan department of agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink.

(b) Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or nonauthorized individuals cannot enter the premises.

(c) Have the animal sterilized.

(d) Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal.

(e) Take any other action appropriate to protect the public.

§ 287.323 Owner guilty of involuntary manslaughter, felony, or misdemeanor; penalty; costs.

(1) The owner of an animal that meets the definition of a dangerous animal in section 1(a) that causes the death of a person is guilty of involuntary manslaughter, punishable under section 321 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.321 of the Michigan Compiled Laws.

(2) If an animal that meets the definition of a dangerous animal in section 1(a) attacks a person and causes serious injury other than death, the owner of the animal is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not less than \$2,000.00, or community service work for not less than 500 hours, or any combination of these penalties.

(3) If an animal previously adjudicated to be a dangerous animal attacks or bites a person and causes an injury that is not a serious injury, the owner of the animal is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

(4) If the owner of an animal that is previously adjudicated to be a dangerous animal allows the animal to run at large, the owner is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, a fine of not less than \$250.00 nor more than \$500.00, or community service work for not less than 240 hours, or any combination of these penalties.

(5) The court may order a person convicted under this section to pay the costs of the prosecution.

*Some cities' ordinances regulate both "vicious" and "dangerous" or "potentially dangerous" animals. This includes the City of Roseville, and its ordinances may be found at <https://ecode360.com/7617552>.

Exotic Animals (Prohibiting Ownership)

Flat Rock, Michigan Code of Ordinances

Chapter 14 – Animals

Sec. 14-4. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(b) *Exotic animal* means any non-human primate, alligator, crocodile, caiman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, constrictor snake, member of the feline species other than a domestic cat (*felis domesticus*), and member of the canine species other than a domestic dog (*canis familiaris*).

(c) *Wild animal* means any live monkey, non-human primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx, bear, bison, bobcat, or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" does not include: Domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, captive-bred species or common cage birds, cage birds, kept under license under state or federal law, aquarium amphibians, aquarium fish, and non-poisonous aquarium reptiles commonly classified as pets which are kept or housed inside dwellings as household pets.

Sec. 14-6. - Wild or exotic animals prohibited.

Notwithstanding the provisions of section 14-5, no person shall shelter, exhibit, market, raise, harbor, breed, house or maintain within the city any wild or exotic animal.

State of Michigan

§ 287.703 Definitions [Animal Industry Act]

As used in this Act:

(cc) "Exotic animal" means a species of animal that is not native to the United States.

287.731 Species not to be imported; wild or exotic animals; feral swine; large carnivores; wolf-dog cross.

(1) The director may create an order as provided in this section.

(2) Any species having the potential to spread serious diseases or parasites, to cause serious physical harm, or to otherwise endanger wild animals, wild animal and domesticated animal crosses, human life, livestock, domestic animals, or property, as determined by the director, shall not be imported into this state, except as determined by the director of the department of natural resources under section 40107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40107. An order of the director under this subsection applies to the species identified in the order, unless the order expressly provides otherwise.

(3) The director may require compliance with any or all of the following before the importation of a wild animal or an exotic animal species not regulated by the Fish and Wildlife Service of the United States Department of Interior or the department of natural resources of this state:

- (a) Physical examination by an accredited veterinarian be conducted after importation to determine the health status, proper housing, husbandry, and confinement of any animal permitted to enter this state.
 - (b) Negative test results to specific official tests required by the director within a time frame before importation into this state as determined by the director.
 - (c) Identification prior to importation in a manner approved by the director.
 - (d) A prior entry permit.
- (4) A person shall not import or release live feral swine or any crosses of feral swine in this state for any purpose without permission from the director.
- (5) Notwithstanding any other provision of this act, and unless otherwise allowed under section 22 of the large carnivore act, 2000 PA 274, MCL 287.1122, a person shall not import a large carnivore, as that term is defined in section 2 of the large carnivore act, 2000 PA 274, MCL 287.1102, into this state.
- (6) Notwithstanding any other provision of this act, and unless otherwise allowed under section 22 of the wolf-dog cross act, 2000 PA 246, MCL 287.1022, a person shall not import a wolf-dog cross, as that term is defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002, into this state.

See also [Wolf Dog Cross Act, MCL 287.1001 – 287.1023](#) and [Large Carnivore Act, MCL 287.1101 – 287.1123](#).

Leash Law/Running at Large

City of Wayne Code of Ordinances

Part 6 – General Offenses Code

Chapter 610 - Animals

610.03 ANIMAL AT LARGE.

It shall be unlawful for any person to suffer or permit any animal owned, possessed, harbored or kept by a person to run at large, which shall mean to be unleashed in an unfenced area or allowed to wander unrestrained on any streets, alleys, parks or public places within the city.

Code of Ordinances of the City of Warren, Michigan

Chapter 7 – Animals

Title I – In General

Sec. 7-3. - Running at large prohibited.

It shall be unlawful for any person to permit any animal or any fowl owned by him or her or in his or her possession or control to run at large in any street, alley or public place, or upon the premises of another without express permission of the owner or occupant thereof.

State of Michigan

§ 287.262 Dogs; licensing, tags, leashes. [Dog Law of 1919]

It shall be unlawful for any person to own any dog 6 months old or over, unless the dog is licensed as hereinafter provided, or to own any dog 6 months old or over that does not at all times wear a collar with a tag approved by the director of agriculture, attached as hereinafter provided, except when

engaged in lawful hunting accompanied by its owner or custodian; or for any owner of any female dog to permit the female dog to go beyond the premises of such owner when she is in heat, unless the female dog is held properly in leash; or for any person except the owner or authorized agent, to remove any license tag from a dog; or for any owner to allow any dog, except working dogs such as leader dogs, guard dogs, farm dogs, hunting dogs, and other such dogs, when accompanied by their owner or his authorized agent, while actively engaged in activities for which such dogs are trained, to stray unless held properly in leash.

§ 433.12 Animals running at large prohibited; violation as misdemeanor. [Animals Running at Large]

(1) An animal shall not run at large in this state.

(2) The owner of an animal shall not permit or enable his animal to run at large in this state.

(3) A person other than the owner of an animal shall not willfully and knowingly enable an animal to run at large in this state.

(4) A person who violates this section is guilty of a misdemeanor.

§ 433.51 Animals running at large in certain cities and villages; seizure by officers. [Animals Running at Large]

The owner of any cattle, horse, mule, sheep, swine, or goat shall not allow the animal to run at large in any public place in any city or village having a population of 7,000 or more inhabitants. A law enforcement officer or animal control officer for such a city or village may seize, and keep until disposed of as provided under this act, any such animal so found running at large.

Licensing Cats

Code of Ordinances City of Livonia, Michigan 1983

Title 6 – Animals

Chapter 6.06 – Cats

6.06.050 - License required.

It shall be unlawful for any person to own, possess or harbor a cat four (4) months of age or over, for a period of thirty (30) days or more, in the city without first having obtained a license therefor.

State of Michigan – N/A

Reckless Owner

Detroit City Code

Chapter 6 – Animal Care, Control, and Regulation

Sec. 6-3-3. Violations involving animals...reckless owner designation....

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

- (1) Receives three or more determinations for violations of the nuisance animal provisions in Section 6-1-7 in a consecutive 24-month period that are upheld by the district court if appealed; or

- (2) Receives two or more determinations under Section 6-3-2 for a potentially dangerous animal in a consecutive 24-month period that are upheld by the district court if appealed; or
 - (3) Receives one determination under Section 6-3-2 for a dangerous animal in a consecutive 24-month period which is upheld by the district court if appealed; or
 - (4) Receives one determination under Article III of this Chapter or a destruction order under Section 6-3-4 for a vicious animal in a consecutive 24-month period which is upheld by a district court if appealed; or
 - (5) Excluding violations set forth in Subsections (2) and (3) of this Section, receives four or more citations for violations of this chapter in a consecutive five-year period. Which shall 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, which shall accommodate a Substantial Number of Limited English Speaking Persons, of the declaration of a reckless dog owner to the person which shall include 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 and the administrative rules that have been promulgated under Section 6-1-4(1) of this Code;
 - (2) The person has no subsequent violations of the Michigan Dog Law of 1919, being MCL 287.261 *et seq.*; and
 - (3) The person has completed the Animal Awareness Program identified in Secs. 6-1-3(g), 6-3-2(b)(5) or 6-1-7(d)(4) designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the Administrator conveys 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.

State of Michigan – N/A

Regulating Rescues

Detroit City Code

Chapter 6 – Animal Care, Control, and Regulation

Sec. 6-3-3. Violations involving animals...reckless owner designation....

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.

State of Michigan – pending (SB 419; <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/Senate/pdf/2019-SIB-0419.pdf>)

Retail Pet Sale Ban

New Baltimore, Michigan Code of Ordinances

Chapter 8 – ANIMALS

ARTICLE IV. - PET ACQUISITION ORDINANCE

Sec. 8-76. - Short title.

This article shall be known and cited as the Pet Acquisition Ordinance of the City of New Baltimore and will so be referred to within this article.

Sec. 8-77. - Definitions.

As used in this article unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

Animal control shelter means a facility operated by or under contract with a state, county, or a municipality for the impoundment and care of animals that are delivered to the facility, found, recovered, or at large, or otherwise held, due to violations of a municipal ordinance, state law, or which otherwise are surrendered.

Animal protection shelter means the facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another non-profit organization for care of homeless animals.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Cat means an animal of the species of domestic cat, *Felis catus*.

Certificate of origin means a document requiring the source of the animal sold or transferred by the retail seller. The certificate shall include the name, premises address, phone number and email address, if available, of the source of the animal.

Dog means an animal of the species of domestic dog, *Canis lupus familiaris*.

[Existing pet store] means any pet store or pet [store] operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away or otherwise transferred live animals as the principal business of such facility on the effective date of this article and complied with all applicable provisions of the New Baltimore Code of Ordinances and state law.

Ferret means a domesticated animal of any age of the species, *Mustela furo*.

Large reptiles means the members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.

Long lived birds means any bird whose life expectancy is expected to exceed 25 years, including but not limited to cockatoos, macaws, and amazons.

Off-site retail sale means the exchange of consideration for an animal regardless of the age of the animal at a location other than where the animal was bred.

Pet store means a place where animals are sold or offered for sale, including retail sale or other sale, exchanged or transferred.

Pet store operator means a person who has an ownership interest in or operates a pet store or both.

Rabbit means a long-eared, short-tailed lagomorph mammal with long hind legs of the *leporidae* family.

Retail sale means an offer for sale, offer for adoption, barter, auction, giving away, display for commercial purposes or otherwise transfer of any animal that is not bred on the premises.

Zoological park means any facility other than a pet shop or kennel displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or any other business entity or government agency and accredited by the Association of Zoos and Aquariums.

Sec. 8-78. - Prohibitions.

(a) No pet store shall sell, offer for retail sale, offer for adoption, trade, barter, auction, give away, deliver, or otherwise dispose of or transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles.

(b) No person or entity shall offer for retail sale, offer for adoption, trade, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long lived birds, or large reptiles on a roadside, public right-of-way, commercial parking lot or sidewalk, outdoor special sale, swap meet, flea market, or other similar event or location.

(c) No person or business entity shall hold off-site retail sales of animals in a location other than where the animal was bred.

(d) A pet store shall not sell or transfer any live animal without providing disclosure through a certificate of origin prior to the sale or transfer.

(e) No person shall knowingly provide or present an inaccurate certificate of origin.

Sec. 8-79. - Exemptions.

This article does not apply to:

(1) A person or business entity that sells, offers for sale, offers for adoption, trades, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long lived birds or large reptiles that were bred and reared on the premises of the person or business entity.

- (2) A publicly-operated animal control shelter, animal protection shelter, or zoological park.
- (3) A private, charitable, non-profit humane society or animal rescue organization.
- (4) A publicly operated animal control agency, non-profit humane society, or non-profit animal rescue organization that operates out of or in connection with a pet store.

Sec. 8-80. - Existing pet store.

An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, large lived birds, or large reptiles for a period of one year from the date of adoption of this article.

Sec. 8-81. - Adoption of shelter and rescue animals.

Nothing in this article shall prevent a pet store or its owner operator, or employees from providing space and appropriate care for animals owned by an animal control shelter, animal protection shelter, non-profit humane society or non-profit animal rescue agency and maintained at the pet store for the purpose of adopting those animals by the public.

State of Michigan – N/A

Tethering

Detroit City Code

CHAPTER 6. ANIMAL CONTROL, REGULATION, AND CARE

ARTICLE I. IN GENERAL

Sec. 6-1-1. Definitions.

Tethering means to tie a dog by a rope, chain, or other means to restrain its movement. Tethering does not mean walking a dog on a leash or restraining a dog for temporary grooming or other temporary professional service.

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

(c) No owner of a dog shall:

- (1) Continuously tether a dog for more than three hours per day or at any time when there is not a person 18 years or older on the premises who is capable of supervising the dog;
- (2) Tether a dog using a tether made of anything but a coated steel cable of 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 dog's movement within the tethered area;
- (4) Attach a dog to a tether by means of any implement other than a buckle-type collar or harness.
- (5) Tether a dog so as to risk injury, strangulation, or entanglement of the dog on fences, trees, or other obstacles;
- (6) 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;
- (7) Tether a dog without securing its food and water source to prevent its being tipped over or spilled by the tether;

- (8) Tether a dog in an open area that does not provide the dog protection from attack from people or other animals;
- (9) 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;
- (10) Tether a dog under four months old;
- (11) Tether more than one dog to a single tether;
- (12) Tether a dog to a stationary object that would allow the dog to come within five feet of any property line; or
- (13) Tether a dog without a swivel attached or equipped on both ends.

State of Michigan

§ 750.50 Definitions [Michigan Penal Code]

- (2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:
 - (g) Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering. This subdivision does not apply if the tethering of the dog occurs while the dog is being groomed, trained, transported, or used in a hunt or event where a shorter tether is necessary for the safety and well-being of the dog and others.

Transport

Eastpointe, Michigan Code of Ordinances

Chapter 8 – Animals

Article I. – In General

Sec. 8-1. - Care of Animals

- (7) It shall be unlawful to transport, carry, or cause to be carried any live animal:
 - a. Upon the hood, fender, running board, or other external part of any moving motor vehicle;
 - or
 - b. Within the open bed of any moving motor vehicle, unless the animal is cross-tethered or protected by framework, carrier, or other device sufficient to keep it from falling from the vehicle.

State of Michigan

§ 750.50 Definitions [Michigan Penal Code]

- (2) An owner, possessor, breeder, operator of a pet shop, or person having the charge or custody of an animal shall not do any of the following:
 - (c) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care or a horse whose

feet are hobbled to protect the horse during transport, or in any other cruel and inhumane manner.

(d) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage in which livestock may stand and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

Trap-Neuter-Return for Community Cats

Model TNR Ordinance Template

Alley Cat Allies

<https://www.alleycat.org/resources/ordinance-drafting-guidelines/>

Please visit the Alley Cat Allies for a complete discussion of their advice on the subject of TNR ordinances. Please note the following advice provided there:

Since our founding in 1990, Alley Cat Allies has helped thousands of communities draft and implement successful Trap-Neuter-Return (TNR) ordinances and policies. Many of these communities have successful TNR and Shelter-Neuter-Return (SNR) policies and practices that are not spelled out in their local laws—and that's OK! **You don't need a law to practice TNR or SNR.** In other communities, however, outdated ordinances are a barrier to TNR and need to be changed. Some local lawmakers and advocates may also want to codify their support of TNR.

AN ORDINANCE ENACTING A NEW SECTION XX OF CHAPTER XX OF THE MUNICIPAL CODE, [Municipality, State]; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the [Board/Council] of the [City/County] of [Municipality, State] has determined that a process of trapping, sterilizing, vaccinating for rabies, eartipping, and returning cats to their original location is an effective and humane way to manage the population of cats within the [City/County]; and

WHEREAS, the [Board/Council] has determined that this process, known as Trap-Neuter-Return, is the preferred approach for managing the cat population, and that Trap-Neuter-Return shall be the prioritized disposition for any impounded community cats;

NOW THEREFORE, BE IT ORDAINED BY THE [Board/Council] OF THE [CITY/COUNTY] OF [Municipality, State], AS FOLLOWS:

SECTION A. That a new Section XX of Chapter XX, of the Municipal Code, [City/County] of [Municipality, State], is hereby enacted:

SECTION XX: MANAGEMENT OF CAT POPULATION; PERMITTED ACTS.

- A. Definitions. For purposes of this Section, the following terms shall have the following meanings:
1. "Community Cat" is a member of the domestic species *Felis Catus* and shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.
 2. "Community Cat Caregiver" shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harbinger, controller, or keeper of a community cat.
 3. "Eartipping" shall mean the removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
 4. "Trap-Neuter-Return" shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.
- B. Permitted Acts. The following actions shall be permitted in [Municipality] as part of Trap-Neuter-Return:
1. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
 2. An eartipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.
 3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning eartipped community cats to their original locations.
 4. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
 5. Trap-Neuter-Return shall be the preferred disposition for impounded community cats. Animal control and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

SECTION B. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION C. This ordinance shall be in full force and effect from and after the date of its passage.

State of Michigan – N/A

Wild or Exotic Animals for Entertainment (Prohibiting)

San Francisco Public Health Code

Article 1B: Performance of Wild or Exotic Animals for Public Entertainment or Amusement

SEC. 1B.1. STATEMENT OF PURPOSE.

The purpose of this Article 1B is to protect wild and exotic animals from cruel and inhumane treatment and to protect the public from the danger posed by the use of wild and exotic animals for entertainment.

SEC. 1B.2. DEFINITIONS.

For purposes of this Article 1B:

"Cause a Performance" means to be responsible for the management of a Performance, to financially benefit as an owner or operator from a Performance, or to sponsor a Performance.

"Companion Animal" means any type of animal that is commonly kept by persons as a pet or for companionship and includes but is not limited to (a) domesticated dogs, (b) domesticated cats, (c) ferrets, (d) gerbils, (e) guinea pigs, (f) hamsters, (g) horses, (h) mice, (i) rabbits, and (j) rats.

"Domestic Animal" means any animal that is Livestock, a Companion Animal, or both.

"Educational Activities" means teaching or instructing with the intent of imparting knowledge to others.

"Livestock" means (a) poultry, (b) cattle, (c) swine, (d) sheep, (e) goats, (f) horses, (g) donkeys, and (h) mules.

"Performance" means any public showing, presentation, display, exposition, fair, act, circus, ride, trade show, petting zoo, carnival, parade, race, photographic opportunity, exhibition, or similar undertaking in which animals are required to perform tricks, fight, or participate as accompaniments for the entertainment, amusement, or benefit of an audience.

"Person" means any individual, establishment, firm, association, organization, partnership, trust, corporation, or company.

"Wild or Exotic Animal" means any non-Domestic Animal. "Wild or Exotic Animal" includes but is not limited to the following orders or families, or similar orders or families, whether bred in the wild or in captivity, and any hybrid with Domestic Animals. The examples identified in parentheses are not intended to be an exhaustive list and do not limit the generality of each group of animals, unless otherwise specified:

- (a) Non-human primates and prosimians (chimpanzees and monkeys)
- (b) Felidae (except domesticated cats)
- (c) Canidae (except domesticated dogs)
- (d) Ursidae (bears)
- (e) Proboscidea (elephants)

- (f) Cetacea (whales, dolphins, porpoises)
- (g) Crocodylia (alligators, crocodiles)
- (h) Marsupialia (kangaroos, opossums)
- (i) Reptilia
- (j) Perissodactyla (rhinoceroses, tapirs, zebras, but not horses, donkeys, or mules)
- (k) Artiodactyla (hippopotamuses, giraffes, camels, but not cattle, swine, sheep, or goats)
- (l) Hyaenidae
- (m) Mustelidae (skunks, weasels, otters, badgers)
- (n) Procyonidae (raccoons, coatis)
- (o) Edentata (anteaters, sloths, armadillos)
- (p) Viverridae (mongooses, civets, genets)
- (q) Pinnipedia (seals, sea lions, walruses)
- (r) Struthioniformes (ostriches)
- (s) Casuariiformes (emus)

Notwithstanding the above, reptilia under 8 feet in length and snakes and reptiles of non-venomous variety are not Wild or Exotic Animals.

SEC. 1B.3. PERFORMANCE OF WILD OR EXOTIC ANIMALS PROHIBITED.

It shall be unlawful for any Person to Cause a Performance of any Wild or Exotic Animal on any public or private property within the City and County of San Francisco.

SEC. 1B.4. EXEMPTIONS.

- (a) The following are exempt from the provisions of this Article 1B:
 - (1) The involvement of animals in animal-related Educational Activities.
 - (2) The involvement of animals in activities or enterprises endorsed or accredited by any of the following: the Association of Zoos and Aquariums, the Global Federation of Animal Sanctuaries, and the American Alliance of Museums.
 - (3) The diagnosis or treatment of animals by veterinarians in the course of a veterinarian's practice of veterinary medicine.
 - (4) The otherwise lawful use of animals for therapeutic purposes by persons who are physically or mentally disabled.
- (b) In its discretion, the Animal Care and Control Department may on a case-by-case basis grant an exemption from the provisions of this Article 1B following a written application for an exemption, where the proposed activity or enterprise is substantially similar in nature or purpose to an exemption provided in this Section 1B.4.

SEC. 1B.5. IMPLEMENTATION AND ENFORCEMENT.

Section 1B.3 shall be implemented and enforced by the Animal Care and Control Department with the support of the Police Department in the exercise of its ordinary law enforcement duties, and the support of other City agencies as appropriate. The Animal Care and Control Department may issue rules, regulations, or guidance consistent with this Article 1B to further the purpose of the Article.

SEC. 1B.6. PENALTIES.

- (a) Any Person who violates Section 1B.3 shall be guilty of a misdemeanor. The penalty upon conviction shall be imprisonment in the County Jail for a period not to exceed one year or by a fine not exceeding \$1,000, or by both fine and imprisonment.

(b) The City Attorney may maintain an action for injunction to enforce Section 1B.3, to cause the correction of any such violation, and for assessment and recovery of a civil penalty for such violation pursuant to subsection (c).

(c) Any Person who violates Section 1B.3 may be liable for a civil penalty not to exceed \$1,000 for each violation. Each Wild or Exotic Animal in each Performance shall constitute a separate violation. Such penalty shall be assessed and recovered in a civil action brought in the name of the people of the City and County of San Francisco by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case including, but not limited to, the following: the nature and seriousness of the violations, the number of violations, the persistence of the violations, the length of time over which the violations occurred, the willfulness of the Person charged with the violations, and the assets, liabilities, and net worth of the Person charged with the violations. The City Attorney also may seek recovery of the attorney's fees and costs incurred in bringing a civil action for injunction or civil penalties pursuant to this section.

SEC. 1B.7. UNDERTAKING FOR THE GENERAL WELFARE.

In enacting and implementing this Article 1B, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

SEC. 1B.8. NO CONFLICT WITH FEDERAL OR STATE LAW.

Nothing in this Article 1B shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

SEC. 1B.9. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or word of this Article 1B, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Article. The Board of Supervisors hereby declares that it would have passed this Article and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Article or application thereof would be subsequently declared invalid or unconstitutional.

State of Michigan – N/A