

This ordinance may also be known as the "Xavier Strickland Memorial Animal Control Ordinance" to honor the life and memory of Xavier Strickland, who was fatally injured by dangerous dogs, and to demonstrate the commitment by the City of Detroit that the circumstances which led to Xavier Strickland's tragic death are adequately and permanently corrected for the safety and peace of mind of residents of the City of Detroit.

OVERVIEW

This ordinance amendment creates new policies and procedures for the search and seizure of dangerous animals to ensure Fourth Amendment protections, allows for the Detroit Animal Care and Control Division to partner with non-profit organizations for the sheltering and adoption of stray animals, and requires that the Detroit Animal Care and Control Division provide a report to the Detroit City Council

upon the disposition of a dangerous animal as well as an annual report on dangerous animals including the number of incidents of dangerous behavior reported to DACC, the number of animals declared dangerous, and the location of all animals declared dangerous residing with their owners.

Prior to the FY 2016-17 budget, Detroit City Council President Brenda Jones sponsored a resolution urging the Administration to allocate additional funds to the Detroit Health and Wellness Department for the DACC division in order to enhance current operations. The Administration in response to the request allocated an additional 2M dollars to the Detroit Health and Wellness Department for the purposes of DACC. These funds were used to hire new DACC Officers, purchased new vehicles, and extended DACC operation hours until 7pm. All of these measures work together to provide the department with the resources needed to provide animals with adequate facilities and care as well as residents with adequate safety. Recognizing that the department still needs additional funds to support the department, this ordinance amendment also creates a tiered fine system that will allow for the department to generate new revenue for the enhancement of the current DACC operations and services.

Additionally, this ordinance amendment defines and sets requirements for the proper treatment of animals and allows the DACC to impound animals that are being neglected or treated cruelly. This ordinance establishes stringent anti-tethering requirements. Studies prove that tethering dogs using cruel methods and for long periods of time is inhumane and also incites aggression in dogs.

Furthermore, this ordinance eliminates the DACC director's authority to decide if a dangerous animal is euthanized but does still allow for the DACC director to deem an animal dangerous. If the actions of a dangerous animal cause severe bodily harm, the DACC director is required to request that the 36th District Court rule on euthanization. If a dangerous animal is returned to the owner, strict requirements on housing the animal and having the animal out in the community have also been created. It also requires an annual inspection to ensure that the owner is maintaining enclosure standards if the dangerous animal is held outside. An inspection can be performed by the DACC as requested by any Detroit resident, Elected Official, or their staff representatives.

Animal Control, Regulation and Care-Ordinance Amendment

Council President Brenda Jones, Sponsor

KEY TERMS

Neglect – to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized

Seize – to capture, collect, restrain, or impound an animal

Tethering – to secure a dog to a stationary object by means of a metal chain or coated steel cable for keeping a dog restrained in its movement.

Tethering does not mean walking a dog on a leash or restraining a dog from temporary grooming or other professional service.

Spay/Neuter – Eliminating the ability of dogs to reproduce

DACC- Detroit Animal Care and Control Division of the Department of Health and Wellness

SEARCH AND SEIZURE

- Right of Entry (*excluding animals running loose across public or private property where no owner has been identified*)
 - Owner Consent
 - warrant issued by a judge or magistrate
 - entry for purpose of assisting other law enforcement, public safety, or other personnel having a lawful right of entry
 - Exigent Circumstances in which the public health, safety, or the health or safety of one or more animals is subject to imminent danger
 - Owners can contact DACC Director within 72 hours after seizure
 - DACC Director has the authority to exercise discretion to return animals and waive fees relating to seizure of the animal.

IMPOUNDMENT, RELEASE, AND ADOPTION

- DACC can impound any animal that is stray, loose, and/or has bitten any person or other animal
- Residents are allowed to retain or trap an animal that is trespassing on that resident's personal property in an human manner to hold for DACC after immediately notifying DACC that the animal is in their care
- DACC has the right to contract with any nonprofit corporation that is organized for the purpose of sheltering animals to assist in the care, impoundment, release, or adoption of stray animals not determined to be dangerous by DACC

RECORDS AND REPORTING

- DACC shall submit a report to the Detroit City Council through the Detroit City Clerk's Office upon the disposition of a dangerous animal
- There shall be an annual report submitted to the Detroit City Council that includes the following:
 - Number of incidents of dangerous behavior reported to DACC
 - Number of animals declared dangerous
 - Location of all animals declared dangerous animals residing with their owners

MULTI-TIER PENALTY SYSTEM FOR LOOSE DOGS

- In addition to any costs associated with seizure, impound, care, and vaccination of an unlicensed or unvaccinated dog borne by the Animal Care and Control Division, the following fines may be assessed when a loose dog is apprehended by the DACC
 - A fine of not more than \$100 for the first offense
 - A fine of not more than \$200 for a second offense occurring within 6 months of the first offense
 - A fine of up to \$500 and relinquishment of any rights of ownership of the dog for a third offense or later offense occurring within 18 months of the first offense
 - If the dog is intact, Mandatory spay or neuter of the dog in question, with costs to be paid by the owner after a second offense (*Studies show that dogs that are still intact are more likely to exhibit aggressive behavior*)
 - All fines can be challenged through the City's Administrative Hearings process
 - Hearing may be requested within 10 days of receipt of the violation

PROPER TREATMENT AND TRANSPORTATION OF ANIMALS

- All persons owning, harboring, or keeping an animal shall attend to and responsibly care for the animal.
 - Provide proper food, water, shelter, sanitation, and medical treatment for injuries, parasites, and diseases that is sufficient to maintain the animal in good health and minimize suffering for the animal according to its species, age, and circumstances.
 - No animal shall be neglected by person having care, custody, or control of that animal
 - No animal shall be abandoned or put in a position to be abandoned by person having care, custody, or control of that animal
 - DACC can impound any animal that appears to have been neglected or cruelly treated

TETHERING

- Owners are not allowed to:
 - Continuously tether a dog for more than three hours per day
 - Tether a dog using a tether made of anything but a coated steel cable at any length less than three times the length of the dog as measured from the tip of its nose to the base of its tail
 - Use a tether or any assembly or attachments that amount to more than amount to 10% of the dog's weight or that significantly inhibit the movement of the dog within the tethered area
 - Attach a dog to a tether by means of any implementation other than a buckle-type collar or harness, so as to risk injury, strangulation, or entanglement of the dog on fences, trees, or other obstacles
 - 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
 - Tether a dog without securing its food and water source in order to prevent it being tipped over or spilled by the tether
 - Tether a dog in an open area that does not provide the dog protection from attack from people or other animals
 - Tether a dog in an area composed entirely of bare earth subject becoming wet and muddy in the event of precipitation, and without any dry surface area for cover or protection
 - Tether a dog under four months old
 - Tether more than one dog to a single tether
 - Tether a dog to a stationary object that would allow the dog to come within five feet of any property line
 - Tether a dog without a swivel attached or equipped on both ends

DANGEROUS ANIMALS

- Once an animal is determined dangerous, the owner may now file a written request for a hearing with the 36th District Court if in opposition of the determination.
- No animal held by the DACC for a dangerous animal determination shall be euthanized prior to receipt of an order from the 36th District Court (Previously, the DACC Director has the authority to both determine an animal dangerous and euthanize an animal. Now the DACC can only determine that the animal is dangerous and a judge or magistrate will determine if an animal shall be euthanized)
- DACC shall hold and care for the an animal during the pendency of a dangerous animal determination

- If an animal is determined to dangerous and is not euthanized the following provisions are required:
 - Maintain proper license and up to date vaccinations
 - Animal must be sterilized
 - Securely inside or securely outside within a locked enclosure, pen, or structure that prevents the entry of any person and the entry of any person and the escape of the confined animal
 - DACC has the right to inspect the home of an owner with dangerous animal to ensure that the animal is not able to escape from the enclosure or the home.
- When off the property the animal must be muzzled and restrained by a chain no longer that 6ft long held by a person 18 years or older.
- The owner must permit the DACC to perform an annual inspection of the animal and all enclosures, pens, or structures used to house the animal at a time suitable to the Department and the Owner
- Animal can only leave enclosure to obtain veterinary care
- Animal and owner must complete a course of animal obedience
- The owner must purchase an approved form of external identification from DACC indicated to other residents that the animal is dangerous
- Owner must provide proof of insurance to DACC
- If the dangerous animal attacks or injures a person or domesticated animal or if the owner fails to comply with the requirements, the DACC can impound the animal and seek an order from the 36th District Court for the euthanization of the animal