



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** April 4, 2007  
**SUBJECT:** Revisions to Chapter 75 (Pet Shops) and 98 (Criminal Code)

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At the March 5, 2007, City Council meeting, Council approved several revisions to Troy's Animal Ordinance, Chapter 90. The approval of these recommended revisions left some inconsistencies between the revised Chapter 90 (Animals) and the current version of Chapter 75 (Pet Shops) and Chapter 98 (Criminal Code) of the Troy ordinances. Proposed revisions of Chapters 75 and 98 were therefore also presented to the Animal Control Appeals Board for review and recommendation. The Animal Control Appeals Board has recommended approval of the attached proposed revisions to Chapter 75 (Pet Shops) and Chapter 98 (Criminal Code).

We are requesting that Chapter 75 – Pet Shops be amended, as set forth in the attached red lined version. Specifically, the definition of animals has been expanded, so that it is the same definition that is found in the revised Chapter 90. Similarly, the definition of pet shops has been expanded. In addition, the requirements for ventilation, sanitation, and enclosure requirements have also been amended to reflect revisions in the federal requirements and also changes recommended by Pet Shop operators.

Since the amended version of Chapter 90 covers hunting and trapping of animals, these provisions are recommended for removal from Chapter 98. The removal of these provisions from the Criminal Code minimizes the chances of conflicting regulations when two separate chapters govern the activity. City Administration recommends deletion of Sections 98.01.02.01, 98.07.01 and 98.07.02 of Chapter 98.

The proposed changes to Chapters 75 and 98 are highlighted for your convenience. We recommend that Council approve the amendment to Chapter 75 and delete portions of Chapter 98.

If you have any questions please let us know.

## CHAPTER 75 PET SHOPS

### 1. Definitions:

#### (a) Pet Shop Defined:

A place where animals are sold or offered for sale, exchange or transfer. This Ordinance is not applicable to the following:

- (i) Residence premises where animals sold or offered for sale, exchange or transfer are exclusively those animals born and raised on the premises or those animals owned by the transferring party and are not sold or offered for sale, exchange or transfer in the ordinary course of business;
- (ii) Duly organized humane societies; ~~and~~
- (iii) ~~(iii)~~ — Duly authorized animal control departments.;
- (iv) Retail bait shops which sell any live or dead organisms used to attract fish, including but not limited to, worms, minnows, leeches, crayfish and aquatic insects;
- (v) A person who is a livestock dealer as defined in Act No. 284 of the Public Act of 1937, as amended, being Sections 287.121 to 287.131 of the Michigan Compiled Laws of 1948.

(b) Animal: Any living creature except humans and plants. "Animal" includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate. ~~mammal except livestock as defined in Act No. 284 of the Public Act of 1937, as amended, being Sections 287.121 to 287.131 of the Michigan Compiled Laws of 1948.~~

(c) Animal Control Officer: The person or persons employed by the City of Troy as its enforcement officer(s).

(d) Animal Control Appeal Board: Consists of five members appointed by the City Council for three overlapping terms.

### 2. License Required:

No person shall operate a pet shop within the City of Troy without first obtaining a license. License application forms with a copy of this ordinance, will be available at the City Clerk's Office. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances and must accompany each license application. All existing establishments within the definition of Section 2(1)(a) must complete a license application within 30 days of the effective date of this Ordinance; existing establishments shall comply with the requirements of this Ordinance as any new license applicant.

(a) Display of License: A valid license must be framed under glass and shall be prominently displayed in full view of the licensed premises. Licensee's name must

be plainly visible on the license. The phone number of the Animal Control Officer must also be plainly visible.

3. Inspection; Certification by Animal Control Officer:

The applicant shall demonstrate that the pet shop in question complies with all requirements of this Chapter. The Animal Control Officer shall conduct an inspection of applicant's premises. An application shall obtain certification by the Animal Control Officer before his application is to be considered.

4. Licensee's Duty to Comply with all Requirements of this Chapter; Violation as Misdemeanor:

A licensee must at all times comply with the requirements of this Ordinance. The penalty for failure to comply is a misdemeanor, and may subject licensee to a fine of up to \$500.00 and costs and/or 90 days in jail. Any sentence that may be imposed does not preclude the City of Troy from taking any action to suspend and/or revoke the license in question.

5. Licensee's Duty to Cease Operations during Period of Suspension; Revocation:

During any period of suspension or revocation, a licensee, anyone with a financial interest in licensee's business, any agent, employee, servant or officer of licensee shall not sell or offer for sale, exchange or transfer, any animal within the scope of licensee's business. A licensee's premises shall remain closed to members of the public. Licensee must take whatever steps are necessary during any suspension or revocation period to meet the requirements of this Chapter.

6. Animal Control Officer's Right to Impound Animals:

The Animal Control Officer shall have the right to impound any animal within the scope of licensee's business which has been mistreated, abused, neglected or abandoned as a result of licensee's failure to comply with the requirements of this Chapter.

Impounded animals shall be properly housed in a shelter for animals and confined in a humane manner. Animals must be reclaimed within a period of ten (10) business days; animals may be returned to licensee only after a proper showing of compliance with the requirements of this Chapter. Animals not returned to licensee within a period of ten (10) business days shall be humanely disposed of by the Animal Control Officer or by an agency delegated by him to exercise that authority. Licensee shall remain responsible to the City of Troy for all costs or care, feeding and sheltering during any impound period, and costs of disposal, if any.

7. Records:

For each ~~dog and cat~~ animal sold or offered for sale, exchange or transfer, licensee shall maintain records of the following:

- (a) Health Certificate: A certificate in which a competent and duly licensed veterinarian

attests to: the age, sex, breed and description of the animal, including its color and approximate weight, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal to be free from detectable evidence of communicable disease.

- (b) Proof of Requisite Inoculation: Inoculation Requirements - Dogs: A dog shall not be offered for sale, exchange or transfer by a licensee, agent, employee or officer of a licensee unless the dog has been inoculated against distemper, hepatitis, leptospirosis, para influenza, and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any dog sold, exchanged or transferred by a licensee, agent, employee or officer of a licensee shall be accompanied by a Health Certificate, as described above, including records of the dog's medication and immunization.
- (c) Proof of Requisite Inoculation: Inoculation Requirements - Cats: A cat shall not be offered for sale, exchange or transfer by a licensee, agent, employee, officer of licensee, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotraecheitis, caliciviruses and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any cat sold, exchanged or transferred by a licensee shall be accompanied by a Health Certificate, as described above, including records of the cat's medication and immunization.  
(Rev. 11-14-83)
- (d) Name and address of the person from whom the animal was acquired.
- (e) Date of acquisition.
- (f) Name and address of the person to whom it was sold or otherwise disposed of.
- (g) Date, Nature Nature and Method of Disposition: By sale, death, euthanasia, donation or other.

Said records shall be maintained by the licensee for a period of seven years from the date the animal was first acquired. Said records shall be made available to the City Clerk's Office, the Animal Control Officer, the Animal Control Appeal Board, or any other authorized representative of the City of Troy during regular business hours.

8. Indoor Facilities:

- (a) Generally: Housing facilities for animals shall be structurally sound and maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) Temperature: The temperature of an indoor housing facility for animals shall provide for the health and comfort of the animals. Temperatures in the areas in which animals are kept shall be maintained between ~~65°F~~ 65°F and ~~84°F~~ 84°F. Said temperatures shall not be allowed to fluctuate up or down at a rate of greater than ~~5°F~~ 5° per hour.
- (c) Humidity: Humidity in areas in which animals are kept shall be maintained at a relative humidity of 30% to 70% throughout the year.
- (d) Ventilation: An indoor housing facility for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. ~~The air in areas housing animals shall be ventilated at a rate of exchange between 10 and 15 changes of air per hour. The air shall not be re-circulated unless said re-circulated air has been treated to remove gaseous contaminants, and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation must be provided by windows, vents, fans or air conditioning. The ventilation shall be provided in accordance with generally accepted professional and husbandry practices.~~
- (e) Light: An indoor housing facility for animals shall have ample light and be of good quality, either by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning throughout the working period. Primary enclosures shall be so placed as to protect the animals from excessive illumination.

9. Outdoor Facilities:

- (a) Shade: When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals to protect themselves from the direct rays of the sun.
- (b) ~~Shelter~~:Shelter: An access to shelter shall be provided to allow animals protection in inclement weather.
- (c) Drainage: Outside shelters shall be located in areas having suitable drainage.

10. Sanitation:

- (a) Cages and equipment: Animal cages and equipment shall be washed and sanitized as often as necessary to keep them clean and free from contamination. Any cage under regular use for the housing of animals shall be washed weekly and more often if necessary. Cages or enclosures housing animals held in quarantine or under observation shall be washed and sanitized prior to a new animal being placed therein. All animals shall be removed from cages or enclosures which are being

washed, sanitized or rinsed. Washing and rinsing shall be performed using water at least ~~480°F~~ 180° F for a period long enough to insure destruction of pathogenic organisms. Chemicals may also be used to combat said organisms, providing cages and equipment are rinsed free of traces of chemicals prior to replacing animals.

- (b) Litter and bedding: All animal enclosures shall be given regular sanitary maintenance. Litter and bedding shall be changed at least daily and more often if necessary to allow animals to remain dry and clean and to minimize odors.
- (c) Equipment other than cages and enclosures: All other equipment and implements, including food and water, shall be kept in a sanitary condition. Waste containers shall also be kept in a sanitary condition and shall be washed when emptied with water at least ~~480°F~~ 180°F and/or with chemical disinfectant.
- (d) Facilities other than cages or enclosures: All other areas of said pet shop, including hallways and storage areas shall be kept clean, neat and unlittered. Detergents and disinfectants shall be used to keep them free from dirt, debris, and other harmful contaminants.
- (e) Surfaces to consist of readily sanitizable materials: The indoor building surfaces of all indoor housing facilities shall be constructed of materials which may be readily sanitized.
- (f) Proper drainage necessary: A suitable method shall be provided to eliminate excess water from indoor housing facilities. Drains shall be properly constructed and kept in good repair to avoid foul odors. Closed drainage systems shall be equipped with traps and installed to prevent back-ups.

11. Primary Enclosures:

- (a) Generally: All primary enclosures used for holding animals shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, to keep predators out and to enable animals to remain dry and clean.
- (b) Sound construction: All enclosures shall be of sound construction and made from material capable of facilitating effective sanitation. Suggested nonporous materials include aluminum, steel and fiberglass.
- (c) Access to clean food and water: A primary enclosure shall be constructed and maintained so that animals kept have convenient access to clean food and water.
- (d) Type of enclosure: All primary enclosures shall be kept in good repair. Enclosures with shaper edges, broken wires, broken snaps, unconnected sides, rust and any other defects shall not be used. The purpose of this is to protect the animals from injury. Portable cages are prohibited, including airport transit cages and wire cages with top access secured by clasps.

- (e) Size of enclosures: A primary enclosure shall provide adequate room for the animal or animals housed, allowing each animal sufficient space to turn about freely and to easily stand, sit and lie in a comfortable normal position. Minimum specifications in the chart below shall be followed by the licensee:

<u>ANIMAL SIZE</u>	<u>CAGE SPACE</u>	<u>HEIGHT</u>
Cat up to 2 pounds	3 sq. ft.	24"
Cat over 2 pounds	4 sq. ft.	24"
Dog up to 7 pounds	8 sq. ft.	32"
Dog 7 to 15 pounds	12 sq. ft.	36"
Dog over 15 pounds	The height of a cage shall be the height of the dog over the shoulders (at the withers) plus 6".	

~~Animals housed together shall be housed in accordance with the above schedule, the cage space required being determined by the cumulative weight of the group of animals. The size of the enclosure must be in compliance with requirements as set forth in CFR Title 9, Section 3.6, and generally accepted professional and husbandry practices.~~

- (f) Compatible groups: Animals housed together shall be placed in compatible groups of the same sex, unless animals are from the same litter or of the same age and species and under six months of age. Animals housed together shall be of approximate size. The number of animals in a primary enclosure shall not exceed a number which would prevent proper ventilation and sanitation.

12. Animal Health and Husbandry:

- (a) Feeding: Animals shall have daily access to food according to their age and health. The food shall be free of contaminants, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of the animal. Food receptacles shall be accessible to all animals and located to minimize contamination by excretion. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but shall be discarded after each feeding. Self feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food. The following chart represents recommendations for daily feeding of healthy animals:

<u>ANIMAL</u>	<u>AGE</u>	<u>* DAILY FEEDING</u>
Adult dog	Over 6 mo.	Once daily
Puppy	4 - 6 mo.	Twice daily

Puppy	Under 4 mo.	Three times daily
Adult cat	Over 6 mo.	One daily
Kitten	4 - 6 mo.	Twice daily
Kitten	<u>          </u> Under 4 mo.	<u>          </u> Three times daily

(\*In quantities according to animals' nutritional needs.)

- (b) Water: All animals shall have daily access to potable, contaminant free water. Water shall be positioned to insure its availability without it being subject to tipping or contamination. Water bowls or devices shall be affixed to cages and animals monitored to insure they receive necessary amounts of water.
- (c) Veterinary Services: Licensee, agents, employees, or any other person responsible for maintaining the health of animals on licensee's premises shall seek the services of the veterinarian whenever a health hazard arises. The veterinarian's name shall appear on the application for license or registration. The City Clerk's Office shall be promptly notified of any change of veterinary services.
- (d) Quarantine Area Required: Licensee shall designate and maintain an area separate and apart from the area(s) where healthy animals are housed for the purpose of housing any animal(s) suspected of carrying contagious disease(s).

13. Animals Suspected of Carrying Contagious Disease:

- (a) Observation: No animal shall be sold, offered for sale, exchange or transfer if that animal is suspected to be infected with a contagious disease. Any such animal, if it is to remain on pet shop premises, shall be housed in an observation or quarantined area in a room separate from the room or rooms housing animals offered to the public. Such separation shall be for the period of time necessary to determine whether the animal is contagious.
- (b) Quarantined Areas: Isolation Areas: Persons responsible for care of animals shall use caution to protect healthy animals by instituting procedures to curtail the transfer of pathogenic organisms from suspected sick to healthy animals.
  - (i) Care Procedures to be established: Licensee shall establish a regime of caring for healthy animals to insure that they remain as disease free as possible. Employees shall take particular caution not to transfer food, dishes, or other equipment from an observation or quarantine area to a healthy area.

14. Animals Infected with Contagious Disease: No pet shop shall keep upon the premises wherein healthy animals are housed, any animal known to be infected with a contagious disease.

15. Other Prohibitions:

- (a) Importation; Sale; Offer for Sale of Dog, Cat Less than Eight Weeks Old: A licensee agent, officer, employee of said licensee shall not import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat less than eight weeks old.
- (b) Importation; Sale; Offer for Sale of Dog, Cat Without Visible Deciduous Teeth: No licensee, agent, employee, or officer of the licensee shall import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.

16. Return of Animal Refund:

If within 7 business days from the date of purchase, a duly licensed veterinarian has certified in writing that the animal has a communicable debilitating disease including but not limited to distemper, leptospirosis, hepatitis, or other infectious disease substantially affecting the animal's health or causing death of the animal, a purchaser of the animal shall be entitled to return the animal to the pet shop. Licensee shall either replace the animal or fully refund the amount of the purchase price.

17. Licensee's Licensee's Presence Required Regularly:

A licensee shall be present on the premises of a pet shop on a regular basis and shall be responsible for violations of this chapter.

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 75 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 75 – Pet Shops of the Code of the City of Troy.

Section 2. Amendment

CHAPTER 75 PET SHOPS

1. Definitions:

(a) Pet Shop Defined:

A place where animals are sold or offered for sale, exchange or transfer. This Ordinance is not applicable to the following:

- (i) Residence premises where animals sold or offered for sale, exchange or transfer are exclusively those animals born and raised on the premises or those animals owned by the transferring party and are not sold or offered for sale, exchange or transfer in the ordinary course of business;
- (ii) Duly organized humane societies; and
- (iii) Duly authorized animal control departments.

(b) Animal: Any mammal except livestock as defined in Act No. 284 of the Public Act of 1937, as amended, being Sections 287.121 to 287.131 of the Michigan Compiled Laws of 1948.

(c) Animal Control Officer: The person or persons employed by the City of Troy as its enforcement officer(s).

(d) Animal Control Appeal Board: Consists of five members appointed by the City Council for three overlapping terms.

2. License Required:

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(a) Display of License: A valid license must be framed under glass and shall be

prominently displayed in full view of the licensed premises. Licensee's name must be plainly visible on the license. The phone number of the Animal Control Officer must also be plainly visible.

3. Inspection; Certification by Animal Control Officer:

The applicant shall demonstrate that the pet shop in question complies with all requirements of this Chapter. The Animal Control Officer shall conduct an inspection of applicant's premises. An application shall obtain certification by the Animal Control Officer before his application is to be considered.

4. Licensee's Duty to Comply with all Requirements of this Chapter; Violation as Misdemeanor:

A licensee must at all times comply with the requirements of this Ordinance. The penalty for failure to comply is a misdemeanor, and may subject licensee to a fine of up to \$500.00 and costs and/or 90 days in jail. Any sentence that may be imposed does not preclude the City of Troy from taking any action to suspend and/or revoke the license in question.

5. Licensee's Duty to Cease Operations during Period of Suspension; Revocation:

During any period of suspension or revocation, a licensee, anyone with a financial interest in licensee's business, any agent, employee, servant or officer of licensee shall not sell or offer for sale, exchange or transfer, any animal within the scope of licensee's business. A licensee's premises shall remain closed to members of the public. Licensee must take whatever steps are necessary during any suspension or revocation period to meet the requirements of this Chapter.

6. Animal Control Officer's Right to Impound Animals:

The Animal Control Officer shall have the right to impound any animal within the scope of licensee's business which has been mistreated, abused, neglected or abandoned as a result of licensee's failure to comply with the requirements of this Chapter.

Impounded animals shall be properly housed in a shelter for animals and confined in a humane manner. Animals must be reclaimed within a period of ten (10) business days; animals may be returned to licensee only after a proper showing of compliance with the requirements of this Chapter. Animals not returned to licensee within a period of ten (10) business days shall be humanely disposed of by the Animal Control Officer or by an agency delegated by him to exercise that authority. Licensee shall remain responsible to the City of Troy for all costs or care, feeding and sheltering during any impound period, and costs of disposal, if any.

7. Records:

For each dog and cat sold or offered for sale, exchange or transfer, licensee shall maintain records of the following:

- (a) Health Certificate: A certificate in which a competent and duly licensed veterinarian attests to: the age, sex, breed and description of the animal, including its color and approximate weight, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal to be free from detectable evidence of communicable disease.
- (b) Proof of Requisite Inoculation: Inoculation Requirements - Dogs: A dog shall not be offered for sale, exchange or transfer by a licensee, agent, employee or officer of a licensee unless the dog has been inoculated against distemper, hepatitis, leptospirosis, para influenza, and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any dog sold, exchanged or transferred by a licensee, agent, employee or officer of a licensee shall be accompanied by a Health Certificate, as described above, including records of the dog's medication and immunization.
- (c) Proof of Requisite Inoculation; Inoculation Requirements - Cats: A cat shall not be offered for sale, exchange or transfer by a licensee, agent, employee, officer of licensee, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotraecheitis, caliciviruses and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any cat sold, exchanged or transferred by a licensee shall be accompanied by a Health Certificate, as described above, including records of the cat's medication and immunization.  
(Rev. 11-14-83)
- (d) Name and address of the person from whom the animal was acquired.
- (e) Date of acquisition.
- (f) Name and address of the person to whom it was sold or otherwise disposed of.
- (g) Date, Nature and Method of Disposition: By sale, death, euthanasia, donation or other.

Said records shall be maintained by the licensee for a period of two years from the date the animal was first acquired. Said records shall be made available to the City Clerk's Office, the Animal Control Officer, the Animal Control Appeal Board, or any other authorized representative of the City of Troy during regular business hours.

8. Indoor Facilities:

- (a) Generally: Housing facilities for animals shall be structurally sound and maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) Heating, Cooling, and Temperature: Indoor housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and well-being. When dogs or cats are present, the ambient temperature in the facility must not fall below 50 degrees F (10 degrees C) for dogs and cats not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds) and for sick, aged, young, or infirm dogs and cats, except as approved by the attending veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 degrees F (10 degrees C) when dogs or cats are present, and must not rise above 85 degrees F (29.5 degrees C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.
- (c) Ventilation: Indoor housing facilities for dogs and cats must be sufficiently ventilated at all times when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation must be provided by windows, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning, must be provided when the ambient temperature is 85 degrees F (29.5 degrees C) or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs or cats housed therein, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.
- (d) Light: An indoor housing facility for animals shall have ample light and be of good quality, either by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning throughout the working period. Primary enclosures shall be so placed as to protect the animals from excessive illumination.

9. Outdoor Facilities:

- (a) Shade: When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals to protect themselves from the direct rays of the sun.
- (b) Shelter: An access to shelter shall be provided to allow animals protection in inclement weather.

(c) Drainage: Outside shelters shall be located in areas having suitable drainage.

10. Sanitation:

(a) Cages and equipment: Animal cages and equipment shall be washed and sanitized as often as necessary to keep them clean and free from contamination. One of the following methods must be used:

- i. live steam under pressure; or
- ii. washing with hot water(at least 180 degrees F (82.2 degrees C) and soap or detergent, as with a mechanical cage washer; or
- iii. washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral build-up, and to provide sanitation followed by a clean water rinse.

(b) Litter and bedding: All animal enclosures shall be given regular sanitary maintenance. Litter and bedding shall be changed at least daily and more often if necessary to allow animals to remain dry and clean and to minimize odors.

(c) Equipment other than cages and enclosures: All other equipment and implements, including food and water, shall be kept in a sanitary condition. Waste containers shall also be kept in a sanitary condition and shall be washed when emptied with water at least 180°F and/or with chemical disinfectant.

(d) Facilities other than cages or enclosures: All other areas of said pet shop, including hallways and storage areas shall be kept clean, neat and unlittered. Detergents and disinfectants shall be used to keep them free from dirt, debris, and other harmful contaminants.

(e) Surfaces to consist of readily sanitizable materials: The indoor building surfaces of all indoor housing facilities shall be constructed of materials which may be readily sanitized.

(f) Proper drainage necessary: A suitable method shall be provided to eliminate excess water from indoor housing facilities. Drains shall be properly constructed and kept in good repair to avoid foul odors. Closed drainage systems shall be equipped with traps and installed to prevent back-ups.

11. Primary Enclosures:

(a) Generally: All primary enclosures used for holding animals shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, to keep predators out and to enable animals to remain dry and clean.

(b) Sound construction: All enclosures shall be of sound construction and made from material capable of facilitating effective sanitation. Suggested nonporous materials

include aluminum, steel and fiberglass.

- (c) Access to clean food and water: A primary enclosure shall be constructed and maintained so that animals kept have convenient access to clean food and water.
- (d) Type of enclosure: All primary enclosures shall be kept in good repair. Enclosures with shaper edges, broken wires, broken snaps, unconnected sides, rust and any other defects shall not be used. The purpose of this is to protect the animals from injury. Portable cages are prohibited, including airport transit cages and wire cages with top access secured by clasps.
- (e) Size of enclosures: A primary enclosure shall provide adequate room for the animal or animals housed, allowing each animal sufficient space to turn about freely and to easily stand, sit and lie in a comfortable normal position. The size of the enclosure must be in compliance with requirements as set forth in CFR Title 9, Section 3.6, and generally accepted professional and husbandry practices.
- (f) Compatible groups: Animals housed together shall be placed in compatible groups of the same sex, unless animals are from the same litter or of the same age and species and under six months of age. Animals housed together shall be of approximate size. The number of animals in a primary enclosure shall not exceed a number which would prevent proper ventilation and sanitation.

12. Animal Health and Husbandry:

- (a) Feeding: Animals shall have daily access to food according to their age and health. The food shall be free of contaminants, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of the animal. Food receptacles shall be accessible to all animals and located to minimize contamination by excretion. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but shall be discarded after each feeding. Self feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food. The following chart represents recommendations for daily feeding of healthy animals:

<u>ANIMAL</u>	<u>AGE</u>	<u>* DAILY FEEDING</u>
Adult dog	Over 6 mo.	Once daily
Puppy	4 - 6 mo.	Twice daily
Puppy	Under 4 mo.	Three times daily
Adult cat	Over 6 mo.	One daily
Kitten	4 - 6 mo.	Twice daily
Kitten	Under 4 mo.	Three times daily

(\*In quantities according to animals' nutritional needs.)

- (b) Water: All animals shall have daily access to potable, contaminant free water. Water shall be positioned to insure its availability without it being subject to tipping or contamination. Water bowls or devices shall be affixed to cages and animals monitored to insure they receive necessary amounts of water.
- (c) Veterinary Services: Licensee, agents, employees, or any other person responsible for maintaining the health of animals on licensee's premises shall seek the services of the veterinarian whenever a health hazard arises. The veterinarian's name shall appear on the application for license or registration. The City Clerk's Office shall be promptly notified of any change of veterinary services.
- (d) Quarantine Area Required: Licensee shall designate and maintain an area separate and apart from the area(s) where healthy animals are housed for the purpose of housing any animal(s) suspected of carrying contagious disease(s).

13. Animals Suspected of Carrying Contagious Disease:

- (a) Observation: No animal shall be sold, offered for sale, exchange or transfer if that animal is suspected to be infected with a contagious disease. Any such animal, if it is to remain on pet shop premises, shall be housed in an observation or quarantined area in a room separate from the room or rooms housing animals offered to the public. Such separation shall be for the period of time necessary to determine whether the animal is contagious.
- (b) Quarantined Areas: Isolation Areas: Persons responsible for care of animals shall use caution to protect healthy animals by instituting procedures to curtail the transfer of pathogenic organisms from suspected sick to healthy animals. No pet shop shall keep any animal known to be infected with a contagious disease in an unquarantined area.
  - (i) Care Procedures to be established: Licensee shall establish a regime of caring for healthy animals to insure that they remain as disease free as possible. Employees shall take particular caution not to transfer food, dishes, or other equipment from an observation or quarantine area to a healthy area.

14. Other Prohibitions:

- (a) Importation; Sale; Offer for Sale of Dog, Cat Less than Eight Weeks Old: A licensee agent, officer, employee of said licensee shall not import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat less than eight weeks old.

- (b) Importation; Sale; Offer for Sale of Dog, Cat Without Visible Deciduous Teeth: No licensee, agent, employee, or officer of the licensee shall import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.

15. Return of Animal Refund:

If within 7 business days from the date of purchase, a duly licensed veterinarian has certified in writing that the animal has a communicable debilitating disease including but not limited to distemper, leptospirosis, hepatitis, or other infectious disease substantially affecting the animal's health or causing death of the animal, a purchaser of the animal shall be entitled to return the animal to the pet shop. Licensee shall either replace the animal or fully refund the amount of the purchase price.

16. Licensee's Presence Required Regularly:

A licensee shall be present on the premises of a pet shop on a regular basis and shall be responsible for violations of this chapter.

CHAPTER 98 – CRIMINAL CODE

HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET

98.01.01 Section Headings and Ordinance Titles. Section headings and ordinance titles provided in bold are not part of this Chapter and are not to be used in the interpretation of this ordinance.

98.01.02.1 Definitions. The following definitions are to be used in this Chapter:

“Alcoholic liquor” includes any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

(Rev. 04-08-02)

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

(Rev. 04-08-02)

"Firearm" includes any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

~~“Hunt” includes seeking, provoking, pursuing or taking any animal.~~

“Normal average retail price” is that price at which similar merchandise was sold during the ninety (90) days immediately preceding a declared emergency, or at a mark-up which is a larger percentage over wholesale cost than was added to wholesale cost prior to a declared emergency.

“Person” includes any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

“Picket” or picketing” includes, standing, sitting, lying, walking, running, or otherwise moving, on a public right-of-way, to convey an opinion or message. These terms also include posting a person at a particular place

## Chapter 98 – Criminal Code

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to communicate to the public vocally or by any other means an opinion or message.

“Public place” includes any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

“Principal” is a person who commits an offense punishable by this code.

"School property" includes any public, private, or parochial school building or any building owned, occupied, or otherwise utilized by any public, private, or parochial school, and expressly includes the grounds, outbuildings, fences, trees, shrubbery, equipment, personal property, or other appurtenances, fixtures, or improvements, attached or in any way belonging thereto.

“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

~~“Trap” includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.~~

98.01.03 Penalties. In addition to the penalties provided in each section of Chapter 98, the court may impose any sanction or remedial measure provided in state law for misdemeanor offenses.

98.01.04 Aid and Abet. A person who aids, abets, counsels, commands, or procures the commission of a violation of this code shall be punished as if that person were the principal.

### HUNTING

~~98.07.01 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500, or both.~~

~~Exception. Police Officers and Animal Control Officers are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.~~

~~98.07.02 Trapping. No persons shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the~~

## Chapter 98 – Criminal Code

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county jail for not more than 90 days or by a fine of not more than \$500, or both.

~~— Exceptions: This section shall not apply to the following:~~

- ~~a) — Persons may trap small rodents such as mice, rats and moles with any type of trap.~~
- ~~b) — Persons licensed by the State to trap may trap subject to the following:
  - ~~1) Only live traps that cannot kill or injure animals or persons may be used.~~
  - ~~2) All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.~~
  - ~~3) All traps must be checked at least every 24 hours.~~~~
- ~~c) Persons authorized by State law or regulation may trap animals.~~
- ~~d) Police Officers and Animal Control Officers are authorized to use traps to capture wild or domestic birds or animals that are running at large or have become a public nuisance.~~

CHAPTER 98 – CRIMINAL CODE

HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET

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(Rev. 04-08-02)

“Domestic assault and battery” includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

(Rev. 04-08-02)

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## Chapter 98 – Criminal Code

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“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

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