

ORDINANCE NO. 2195

**CITY OF MADISON HEIGHTS,
OAKLAND COUNTY, MICHIGAN**

AMENDMENT TO THE CODE OF ORDINANCES

An Ordinance to amend Ordinance 571, being an Ordinance codifying and adopting a new Code of Ordinances for the City of Madison Heights, by amending, in part, Chapter 5, Article I, Section 5-1 and establishing Section 5-16 to provide for the ethical acquisition of animals and provide consumer protections for the citizens of the City of Madison Heights through the regulation of pet stores.

THE CITY OF MADISON HEIGHTS ORDAINS

Section 1.

That Chapter 5, Article 1, Section 5-1 of the Code of Ordinances of the City of Madison Heights is hereby amended, in part, to read as follows:

Section 2.

Sec. 5-1. - Definitions.

(1) For the purposes of this chapter:

- (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.
- (b) "Animal" means any vertebrate other than a human being.
- (c) **"Cat" means an animal of the Felidae family or the order Carnivora.**
- (d) **"Dog" means an animal of the Canidae family of the order Carnivora.**
- (e) **"Rabbit" means a long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.**
- (f) **"Ferret" means a domesticated animal of any age of the species *Mustela furo*.**
- (g) **"Large reptiles" mean 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.**
- (h) **"Long-lived birds" means any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws and amazons.**
- (i) "Animal protection shelter" means a facility operated by a person, humane society, society for the prevention of cruelty to animals, or any other nonprofit organization, for the care of homeless animals.

- (j) "Animal control shelter" means a facility operated by a county, city, village, or township to impound and care for animals found in streets or otherwise at large contrary to any ordinance of the county, city, village, or township or state law.
- (k) **"Off-site retail sale" means the exchange of consideration for an animal, regardless of age of the animal at a location other than where the animal was bred.**
- (l) **"Pet store" means a place where animals are sold or offered for sale, exchanged, or transferred.**
- (m) **"Pet store operator" means a person who owns or operates a pet store, or both.**
- (n) **"Retail sale" means an offer for sale, offer for adoption, barter, auction, give away, display for commercial purposes or otherwise transfer any animal that is not bred on the premises.**
- (o) "Licensed veterinarian" means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.
- (p) "Livestock" means that term as defined in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747.
- (q) "Person" means an individual, partnership, limited liability company, corporation, association, governmental entity, or other legal entity.
- (r) "Neglect" means to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.
- (s) "Owner" when applied to the proprietorship of an animal means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him or her.
- (t) "Sanitary conditions" means space free from health hazards including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- (u) "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 one 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 shall 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.

Section 3.

That Chapter 5, Article 1, Section 5-16 of the Code of Ordinances of the City of Madison Heights is hereby established to read as follows:

Section 4.

Sec. 5-16. Prohibited Animal Acquisition, Exceptions, Penalties.

- (1) No pet store shall offer for sale, offer for adoption, trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, or rabbits.
- (2) No person or business entity shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, large reptiles, long-lived birds, or rabbits on a roadside, public right-of-way, commercial parking lot, outdoor special sale, swap meet, flea market, or other similar event.
- (3) No person or business entity shall hold off-site retail sales of animals at a location other than where dogs, cats, ferrets, large reptiles, long-lived birds, or rabbits were bred.
- (4) 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.
- (5) Section 5-16 shall not apply to the following:
 - (a) A person or business entity that sells, offers for sale, offers for adoption, 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.
 - (b) publicly operated animal control shelter or animal protection shelter.
 - (c) A private, charitable, nonprofit humane society or animal rescue organization.
 - (d) A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.
- (6) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500.00, plus costs.