

DEPARTMENT OF AGRICULTURE

ANIMAL INDUSTRY DIVISION

REGULATION NO. 151. PET SHOPS, DOG POUNDS, AND ANIMAL SHELTERS

(By authority conferred on the director of agriculture by section 2 of Act No. 287 of the Public Acts of 1969, being S287.332 of the Michigan Compiled Laws)

PART 1. DEFINITIONS AND SCOPE

R 285.151.1 Definitions.

Rule 1. In addition to the definitions in Act No. 287 of the Public Acts of 1969, as used in these rules:

(a) "Act" means Act No. 287 of the Public Acts of 1969, being S287.331 et seq. of the Michigan Compiled Laws.

(b) "Ambient temperature" means the temperature surrounding an animal.

(c) "Department" means the department of agriculture.

(d) "Director" means the director of the department or his authorized representative.

(e) "Euthanasia" means the humane destruction of an animal accomplished by a method involving instantaneous unconsciousness and immediate death, or by a method involving anesthesia produced by an agent which causes painless loss of consciousness and death during such loss of consciousness.

(f) "Housing facility" means a room, building, or area used to contain a primary enclosure or enclosures.

(g) "Incompetence" means the demonstrated incapability of a person to understand the requirements of these rules by failure or refusal to conform to such requirements for the care and handling of dogs and cats.

(h) "Licensee" means a person, corporation, or company licensed as a pet shop pursuant to the act.

(i) "Primary enclosure" means a structure used to immediately restrict 1 or more animals to a limited amount of space, such as a room, pen, run, cage, or compartment.

(j) "Registrant" means a dog pound or animal shelter registered pursuant to the act and these rules.

(k) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum agents injurious to health.

(l) "Standards" means the requirements with respect to the humane handling, care, treatment, and transportation of animals by the licensee and registrant.

History: 1979 AC.

R 285.151.2 Scope.

Rule 2. The department may confer with the owner or operator of any pet shop, dog pound, or animal shelter which is licensed under the act at any time necessary in the administration of the act or these rules.

History: 1979 AC.

PART 2. LICENSING, REGISTRATION, ANIMAL TAGS, AND RECORDS

R 285.151.11 Pet shop licenses.

Rule 11. (1) A person operating or desiring to operate a pet shop shall apply for a license on a form furnished upon request by the department. The completed application form shall be filed with the department. The license is not transferable.

(2) A copy of the applicable standards shall be furnished with each application for license and the applicant shall acknowledge receipt of the standards and agree to comply with them by signing a form provided for such purpose. The form shall be filed with the application for license.

(3) An applicant shall demonstrate that his facilities comply with the standards required in these rules. If the applicant's facilities do not comply with the standards, the applicant shall be advised in writing of deficiencies and the corrective measures that shall be taken before facilities will be in compliance with the standards. After January 1, 1971, if the applicant has an existing business and his facilities do not comply with the standards and the applicant has been duly notified as to the corrective measures necessary to comply with the standards, the director may issue a temporary permit to operate such facility for a period of time, to be agreed upon in writing by both parties for the purpose of bringing the facility into compliance. All rules of sanitation shall be complied with as set forth in these rules.

(4) A licensee shall notify the department promptly of any change in name, address, management, or substantial control or ownership of his business or operation.

(5) A person who has been an officer, agent, or employee of the licensee whose license has been suspended or revoked, and who was responsible for, or participated in, the violation upon which the order of suspension or revocation was based, will not be licensed during the period in which the order of suspension or revocation is in effect.

(6) A person whose license has been suspended or revoked shall not again be licensed in his own name or in any other manner during the period in which the order of suspension or revocation is in effect and a partnership, firm, or corporation in which such a person has a substantial financial interest shall not be licensed during such period.

History: 1979 AC.

R 285.151.12 Dog pound and animal shelter registrations.

Rule 12. (1) A dog pound or animal shelter shall register with the department by completing and filing a properly executed form furnished by the department upon request. The registration form shall be filed with the department.

(2) A copy of the standards set forth in these rules shall be furnished with each registration form and the registrant shall acknowledge his receipt and agree to comply with them by signing a form provided by the department. The form shall be signed by the chairman of the board of commissioners, city manager, or mayor in the case of a dog pound or by the president of the animal welfare society in the case of an animal shelter.

(3) A registrant shall demonstrate that his facilities comply with the standards required in these rules. If the registrant's facilities do not comply with the standards, the registrant will be advised in writing of deficiencies and the corrective measures that shall be taken before the facilities are in compliance with the standards. After January 1, 1971, if the registrant and his existing facilities do not comply with the standards and the registrant has been duly notified as to the corrective measures necessary to comply with the standards, the director may issue a temporary permit to operate such facility for a period of time, to be agreed upon in writing by both parties for the purpose of bringing the facility into compliance. All rules of sanitation shall be complied with as set forth in these rules.

History: 1979 AC.

R 285.151.13 Pet shop, dog pound, and animal shelter records.

Rule 13. (1) For each dog and cat purchased or otherwise acquired, held, transported, sold, or otherwise disposed of, the management shall keep and maintain the following information in a manner prescribed by the department:

(a) Name and address of the person from whom the animal was acquired and the name and address of the person to whom it was sold or otherwise disposed of.

(b) Date of acquisition.

(c) Description and identification of the animal, including the breed, sex, color, and approximate weight.

(d) Date, nature, and method of disposition; for example, sale, death, euthanasia, or donation.

(2) A pet shop, dog pound, or animal shelter shall maintain such records for 2 years, and they shall be made available to the director or his authorized representative when deemed necessary by the director.

History: 1979 AC.

PART 3. FACILITIES AND OPERATIONS

R 285.151.21 Facilities.

Rule 21. (1) A housing facility for dogs or cats 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.

(2) Adequate potable water shall be available.

History: 1979 AC.

R 285.151.22 Sanitation.

Rule 22. (1) Supplies of food and bedding shall be stored in facilities which adequately protect them against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(2) Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

(3) Washrooms, basins, or sinks shall be provided to maintain cleanliness of the animal caretakers.

(4) The interior building surfaces of an indoor housing facility shall be constructed of a nonabsorbent material that may be readily sanitized.

(5) A suitable method shall be provided to eliminate excess water from an indoor housing facility. Drains shall be properly constructed and kept in good repair to avoid foul odors therefrom. Closed drainage systems shall be equipped with traps and so installed as to prevent any backup on the floor of the room.

History: 1979 AC.

R 285.151.23 Heating, ventilating, and lighting of indoor facilities.

Rule 23. (1) An indoor housing facility for dogs and cats shall be sufficiently heated to protect the dogs and cats from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for dogs and cats.

(2) An indoor housing facility for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facility shall be provided with fresh air, either by means of windows, doors, vents, or air conditioning, and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(3) An indoor housing facility for dogs and cats shall have ample light of good quality by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs or cats from excessive illumination.

History: 1979 AC.

R 285.151.24 Shelter provided by outdoor facilities.

Rule 24. (1) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow dogs and cats to protect themselves from the direct rays of the sun.

(2) An access to shelter shall be provided for dogs and cats to allow them to remain dry during rain or snow.

(3) Outside shelters shall be located in an area which has suitable drainage.

History: 1979 AC.

R 285.151.25 Primary enclosures.

Rule 25. (1) A primary enclosure shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, to keep predators out and enable dogs and cats to remain dry and clean.

(2) A primary enclosure shall provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position. Where the primary enclosure is used for more than 1 animal, a resting perch for each cat shall be provided.

(3) A primary enclosure shall be constructed and maintained so that dogs and cats kept therein have convenient access to clean food and water.

(4) The floors of a primary enclosure shall be constructed so as to protect the feet and legs of the dogs and cats from injury.

(5) Adequate litter shall be provided for cats.

(6) The number of dogs or cats in a primary enclosure shall not exceed a number which would prevent proper ventilation and sanitation.

(7) Female animals in estrus shall not be housed in the same primary enclosure as male animals.

History: 1979 AC.

R 285.151.26 Dog houses with chains.

Rule 26. (1) If dog houses with chains are used as primary enclosures for dogs kept out of doors, the chains shall be so placed or attached that they cannot become entangled with the chains of other dogs, or any other objects. A chain shall be of a type commonly used for the size dog involved and shall be attached to the dog by a well-fitted collar. A chain shall be of such length as to allow exercise and convenient access to the dog house.

(2) Outdoor facilities shall be fenced around the perimeter so that animals cannot escape or other animals gain entrance.

History: 1979 AC.

PART 4. ANIMAL HEALTH AND HUSBANDRY

R 285.151.31 Feeding and water.

Rule 31. (1) Dogs and cats shall be fed at least once each day except as otherwise required. The food shall be free from contamination and shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of the animal.

(2) Food receptacles shall be accessible to all dogs and cats and shall be located to minimize contamination by excreta. 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.

(3) If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to them at least twice daily for periods of not less than 1 hour except as otherwise required. Watering receptacles shall be kept clean.

History: 1979 AC.

R 285.151.32 Cleaning of primary enclosures.

Rule 32. Excreta shall be removed from a primary enclosure as often as necessary to prevent contamination of the dogs or cats kept therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure, any dog contained therein shall be removed during the cleaning process and adequate measures shall be taken to protect the animals in other enclosures from being contaminated with water and other wastes.

History: 1979 AC.

R 285.151.33 Housekeeping.

Rule 33. (1) A primary enclosure for dogs and cats shall be sanitized often enough to prevent an accumulation of debris or excreta or a disease hazard.

(2) All buildings and grounds included in the premises shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in these rules. The premises shall remain free of an accumulation of debris.

(3) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

History: 1979 AC.

R 285.151.34 Compatible animal groups.

Rule 34. (1) Animals housed in the same primary enclosure shall be maintained in compatible groups.

(2) A dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(3) Puppies and kittens shall not be housed in the same primary enclosure with adult dogs and cats other than their dams.

(4) No 2 species of animals shall be housed in the same primary enclosure.

(5) Dogs and cats exhibiting symptoms of communicable disease shall be separated from all other susceptible species of animals in such a manner as to prevent spread of such disease.

History: 1979 AC.

R 285.151.35 Employees.

Rule 35. A sufficient number of employees shall be used to maintain the prescribed level of husbandry practices set forth in these rules.

History: 1979 AC.

R 285.151.36 Veterinary services.

Rule 36. (1) The services of a licensed veterinarian shall be available, and his name shall appear on the application for license or registration. The director shall be promptly notified of any change of veterinary service.

(2) The licensee or registrant shall seek the services of this veterinarian whenever a health hazard arises.

History: 1979 AC.

R 285.151.37 Confiscation and destruction of animals.

Rule 37. If an animal held by a dog pound, animal shelter, or pet shop is found by the director to be suffering as a result of failure to provide proper food and water or inhumane treatment by the management of the dog pound, animal shelter, or pet shop, the director may order the animal confiscated or destroyed in a humane manner, if he determines the circumstances warrant such action.

History: 1979 AC.

PART 5. TRANSPORTATION

R 285.151.41 Vehicles.

Rule 41. (1) A vehicle used in transporting dogs and cats shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts or undue exposure to the elements.

(2) The interior of the animal cargo space shall be kept clean.

(3) The vehicle shall not be overcrowded to the extent that it will cause injury to the animals being transported.

(4) Animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups.

(5) Puppies or kittens shall not be transported with adult dogs or cats other than their dams.

(6) A dog or cat exhibiting a vicious disposition shall be transported individually.

(7) A female dog or cat in season or estrus shall not be transported in the same primary enclosure with a male.

History: 1979 AC.