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STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

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Shelter Hold Times

Animal Industry Division Policy Effective January 19, 2016

Background

Since 1969, MDARD and dog and cat owners have depended on Public Act 224 of 1969, Use of Dogs and Cats for Research, MCL 287.388 *et seq.*, to provide them time to find missing pets, whether lost or stolen.

MCL 287.388 Disposition of dogs or cats; time; notice; record; exceptions.

Sec. 8. A dealer, a county, city, village, or township operating a dog pound or animal shelter shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the pound or shelter shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a pound or shelter shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition.

This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

The Michigan Department of Agriculture and Rural Development, Animal Industry Division has enforced these minimum standards since the law's inception. In 2014, an organization challenged MDARD's reliance on Public Act 224 to establish mandatory hold times for cats and dogs. The organization questioned whether the hold times found in Section 8 of PA 224 applied if an organization did not sell animals for research.

As a result of this challenge, MDARD reviewed the statutory language and explored various enforcement options. Through our exploration and discussion with lawyers and prosecuting attorneys, MDARD has determined we do not have authority to enforce hold times as written in Public Act 224. MDARD AID believes that these hold times are in the best interest of animals and animal owners and without them, dogs and cats may not be readily returned to their owners.

Policy

1. The Department will not evaluate, nor enforce hold times as defined in Public Act 224, the Use of Dogs and Cats for Research Act unless a shelter is engaged in activity clearly falling within the Act (i.e. the sale of dogs or cats for research). MDARD encourages counties, cities, and other municipalities to hold all dogs and cats at animal control shelters or animal protection shelters according to the standards set in Public Act 224.

2. MDARD will continue to pursue enforcement of Public Act 309 of 1939, Registration and Identification of Dogs, Section 8:

287.308 Stealing or holding dog in possession; penalty.

Sec. 8. Any person who shall steal or take without the consent of the owner and without lawful authority, any dog registered under the provisions of this act, or any person excepting dog wardens who shall harbor or hold in his possession any stray dog of which he is not the owner and does not report such possession to the sheriff of the county or the police department of the city in which he is holding such dog within 48 hours after such person came in possession of said dog, where the value of such dog shall not be in excess of \$100.00, shall be guilty of a misdemeanor, and where the value of such dog shall be in excess of \$100.00, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$500.00, or imprisoned in the county jail for not more than 1 year, or both such fine and imprisonment in the discretion of the court.

3. MDARD recognizes that pursuant to the definition of “animal control shelter” in Public Act 287 of 1969, animals that are found in the streets or at large and animals that are otherwise held due to the violation of a municipal ordinance or state law, are under the authority of animal control or local law enforcement officials.
4. MDARD recognizes that local ordinances may contain mandatory reporting language for reporting pursuant to PA 309 of 1939 or for hold times. MDARD encourages local governments to maintain these ordinances and to ensure compliance whether dogs and cats under their authority are housed at an animal control shelter or an animal protection shelter.