Animal Shelter Requirements

This handout is a summary of requirements for Animal Shelters depending on the scope of operations for each shelter. It is the responsibility of the Shelter organization, owner(s), and manager(s) to be knowledgeable of all applicable laws and regulations. This handout points out where certain items are referenced and can be found in a law or regulation. However, this handout is not a substitute for reading and understanding a law or regulation. Animal Shelters have requirements for animal housing, animal care, and animal documentation. The following list contains the main elements required of an Animal Shelter. The listing follows the 4 main categories found in Act 287 and Regulation 151: Facilities & Operations, Primary Enclosures, Animal Health & Husbandry, and Recordkeeping & Documentation.

Each requirement is classified as either **Core, Priority**, or **Critical.** The designation is based on that requirement's relationship to, and possible impact on, animal health and safety. When inspected by MDARD, each requirement applicable to a Shelter's activities will be scored as either **SAT = Satisfactory, NSAT = Not Satisfactory, MSAT = Mitigated Satisfactory,** or **NI = Not Inspected**. If a requirement doesn't apply to the Shelter's activities, the item will be scored as **NA**. At the end of each requirement, you will find the legal cite for the specific rule so you may more easily find the full legal language in the appropriate law or regulation, many of which may be found on our webpage: www.michigan.gov/animalshelters. Upon request, we can provide you the law or regulation via email or mail.

In summary, the requirements stem from rules and regulations pointing to protecting animals from injury and facilitating their care. This is true for both indoor and outdoor areas where the animals may be. The shelter facility should include sufficient, safe, space for the many aspects of working with and housing animals such as intake for new arrivals, examinations, adoptions, isolation or treatment, food storage, laundry, and exercise. While there are a number of ways shelters can comply with these requirements, the primary goal is to provide an environment conducive to maintaining animal health, welfare, and safety. As a reminder, all animal housing areas must pass MDARD inspection *prior* to occupancy.

FACILITIES & OPERATIONS		
Item	**Risk**	**Requirement and legal cite(s)**
1	Priority	All buildings and grounds included in the premises are 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. [R285.151.33(2)]
2	Priority	A suitable method is provided to eliminate excess water from the indoor housing facility. Drains are properly constructed and kept in good repair to avoid foul odors. Closed drainage systems are equipped with traps and so installed to prevent any backup on the floor of the room. [R285.151.22(5)]
3	Critical	The housing facilities (rooms/buildings/areas containing primary enclosures) for animals are 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. [R285.151.21(1)]
4	Priority	The interior building surfaces of the indoor housing facilities are constructed of non-absorbent materials that may be readily sanitized. [R285.151.22(4)] NOTE*: A community room is evaluated as both an indoor housing facility and a primary enclosure.*
5	Priority	The indoor housing facilities for animals are sufficiently heated to protect the dogs and cats from cold and to provide for their health and comfort; ambient temperature shall not be allowed to fall below 50° F for dogs and cats. R285.151.23(1)] *NOTE: May be dependent on the specific animals (Examples: cats versus dogs; Chihuahua versus Husky).*
6	Critical	Indoor housing facilities for animals are adequately ventilated to provide for the health & comfort of the animals at all times. The facility provides fresh air, either by means of windows, doors, vents, or air conditioning and is ventilated so as to minimize drafts, odors, and moisture condensation. [R285.151.23(2)] NOTE*: A community room is evaluated as both an indoor housing facility and a primary enclosure. Ventilation is a key part of air quality, as it affects the temperature and moisture content of the room, kennel, and cage. The facility must be provided with fresh air either by windows, doors, vents, or air conditioning. The facility must be ventilated so as to minimize drafts, odors and moisture condensation. Fresh air which needs to reach in the cages, kennels and rooms is essential for maintenance of good health and well-being as well as limiting the spread of infectious diseases, odors, and gases.*
7	Priority	The number of animals in primary enclosures do not exceed a number which prevents proper ventilation and sanitation. [R285.151.25(6)] *NOTE: A community room is evaluated as both a primary enclosure and an indoor housing facility. A housing facility may require a higher ventilation rate when it is at full capacity compared to when it is relatively empty, as the animals are a major source of heat, humidity, and ammonia from their urine*

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Item	**Risk**	**Requirement and legal cite(s)**
8	Core	The indoor housing facilities for animals have ample light of good quality by natural or artificial means or both. The lighting provides uniform distribution and illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures are placed as to protect the animals from excessive illumination. [R285.151.23(3)] NOTE*: A community room is evaluated as both an indoor housing facility and a primary enclosure. The housing facility must have quality natural and/or artificial light that permits routine monitoring of the dogs, their housing, and aids in cleaning. Facilities should use as much natural light as possible. When artificial light is used, it should be a similar duration and intensity as natural light. Light fixtures in animal-occupied areas must be safe even if a bulb shatters.*
9	Priority	An effective program for the control of insects, ectoparasites, and avian and mammalian pests is established & maintained. [R285.151.33(3)] NOTE*: Rodents may burrow under fences. Animal feces not picked up may be an attractant (food source) for rats.*
10	Priority	In outdoor facilities; **1.** When sunlight is likely to cause overheating or discomfort, sufficient shade is provided to allow animals to protect themselves from the direct rays of the sun [R285.151.24(1)], **2.** Access to shelter is provided for animals to allow them to remain dry during rain and snow [R285.151.24(2)], **3.** Outside shelters are located in an area with suitable drainage. [R285.151.24(3)]
11	Priority	In outdoor facilities, if dog houses with chains are used as primary enclosures for dogs kept out of doors; **1**. Chains are placed or attached so they cannot become entangled with chains of other dogs or any other objects. The chain is of a type commonly used for the size of dog involved and is attached by a well-fitted collar. The chain is of such length to allow exercise and convenient access to the dog house [R285.151.26(1)], **2**. The outdoor facilities are fenced around the perimeter so that animals cannot escape or other animals gain entrance. [R285.151.26(2)]

Primary enclosures are rooms, kennels, stalls, pens, runs, cages, or compartments (for example) where the animal eats, sleeps, and may spend the majority of its time until it's adopted. The layout of the enclosure plays a key role in maintaining animal health, safety, and well-being. Pop-up cages, travel crates or carriers are intended for *short*-term, temporary confinement. As they are designed to *restrict* mobility during a defined period, they are *not* acceptable for use as primary enclosures, unless the animal is being housed in one temporarily for its own safety or part of its veterinary care.

PRIMARY ENCLOSURES		
Item	**Risk**	**Requirement and legal cite(s)**
12	Critical	Primary enclosures are structurally sound and maintained in good repair to protect animals from injury, to contain them, to keep predators out and enables animals to remain dry and clean. [R285.151.25(1)] *NOTE: A community room is evaluated as both a primary enclosure and an indoor housing facility.*
13	Priority	The floors of primary enclosures are constructed to protect the feet and legs of animals from injury. [R285.151.25(4)] NOTE*: A community room is evaluated as both a primary enclosure and an indoor housing facility.*
14	Priority	When a hosing or flushing method is used for cleaning a primary enclosure, any dog contained therein is removed during the cleaning process and adequate measures are taken to protect the animals in other enclosures from being contaminated with water and other wastes. [R285.151.32]
15	Priority	Excreta is removed from primary enclosures as often as necessary to prevent contamination of the animals kept therein and to reduce disease hazards and odor. [R285.151.32]
16	Critical	Primary enclosures provide sufficient space to allow each animal to turn about freely, to easily stand, sit, and lie in a comfortable, normal position. [R285.151.25(2)]
17	Core	Where primary enclosures are used for more than 1 cat, a resting perch for each cat is provided. [R285.151.25(2)] *NOTE: Hammocks may be sufficient for young cats if kept clean/washed. Large shelves may be sufficient if the cats have adequate space to separate from each other.*
18	Core	Adequate litter is provided for cats. [R285.151.25(5)]
19	Critical	The following animals are NOT housed in the same primary enclosures; **1.** No 2 species of animals [R285.151.34(4)], **2.** Female animals in estrus with male animals. [R285.151.25(7)]
20	Core	Puppies and kittens are not housed in the same primary enclosure with adult dogs and cats other than their dams. [R285.151.34(3)]
21	Priority	Animals housed in the same primary enclosure are maintained in compatible groups [R285.151.34(1)] and animals exhibiting a vicious disposition are housed individually in a primary enclosure. [R285.151.34(2)]
22	Critical	Animals exhibiting symptoms of communicable disease are separated from all other susceptible species of animals in such a manner to prevent the spread of such disease. [R285.151.34(5)]

Regulation 151 addresses standards of care & husbandry to ensure animal health in animal shelters. The care called for in this regulation meets or exceeds the expectations for *adequate care* of animals as provided for in Michigan's

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Penal Code, Chapter IX Animals [MCL 750.50] *http://legislature.mi.gov/doc.aspx?mcl-750-50*. Components of adequate care include provision of sufficient food, suitable potable water, adequate protection and shelter from the elements, space free from health hazards including crowding, waste & insanitary conditions, exercise, and veterinary attention in order to maintain freedom from disease & illness. This is required by anyone that owns, possesses, has custody or care of animals including animal shelters, their partner fosters, & rescues. Animals are to have convenient access to *clean* food and water. They are to be fed a nutritious, palatable food that is appropriate for their species, age, health concerns and size.

ANIMAL HEALTH & HUSBANDRY		
Item	**Risk**	**Requirement and legal cite(s)**
23	Critical	Primary enclosures are constructed and maintained so that animals kept therein have convenient access to clean water. [R285.151.25(3)] If potable water is not accessible to animals at all times, potable liquids are offered to them at least twice daily for periods of not less than 1 hour, except as otherwise required. Watering receptacles are kept clean [R285.151.31(3)] and adequate potable water is available. [R285.151.21(2)] NOTE: *Access to water is part of the "adequate care" definition in Michigan's Penal Code: http://legislature.mi.gov/doc.aspx?mcl-750-50*
24	Critical	Primary enclosures for animals are sanitized often enough to prevent accumulation of debris or excreta or a disease hazard. [R285.151.33(1)] NOTE*: Sanitation is part of the definition for "adequate care" in Michigan's Penal Code*
25	Critical	Primary enclosures are constructed and maintained so that animals kept therein have convenient access to clean food. [R285.151.25(3)] Feeding: **1.** Food receptacles are accessible to all animals and are located to minimize contamination be excreta, **2.** Feeding pans are durable and kept clean. If disposable food receptacles are used, they are discarded after each feeding, **3.** If self-feeders are used for feeding dry food, they are sanitized regularly to prevent molding, deterioration, or caking of food. [R285.151.31(2)] NOTE*: Sufficient food is a requirement of adequate care in Michigan's Penal Code.*
26	Critical	Animals are fed at least once each day except as otherwise required. The food is free from contamination and is wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for condition and size of the animals. [R285.151.31(1)] refrigeration is provided for supplies of perishable food. [R285.151.22(1)]
27	Priority	Supplies of food and bedding are stored in facilities which adequately protect them against infestation or contamination by vermin. [R285.151.22(1)]
28	Priority	A sufficient number of employees are used to maintain the prescribed level of husbandry practices set forth in the rules. [R285.151.35]
29	Critical	The services of a licensed veterinarian are available, and the registrant seeks the services of this veterinarian whenever a health hazard arises. [R285.151.36(1)&(2)] NOTE*: It is a violation for a shelter to not have their current primary veterinarian on file with MDARD.*
30	Priority	Washrooms, basins, or sinks are provided to maintain cleanliness of animal caretakers [R285.151.22(3)]
31	Core	Provisions are made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities are so provided and operated as to minimize vermin infestation, odors, and disease hazards. [R285.151.22(2)]
32	Priority	Vehicles used to transport animals are mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts or undue exposure to the elements. [R285.151.41(1)] NOTE*: Ventilation and primary enclosure regulations may also be applicable.*
33	Priority	Interior of animal cargo spaces (of vehicles) are kept clean [R285.151.41(2)] and if applicable, these primary enclosures are structurally sound and maintained in good repair to protect the animals from injury, to contain and enable them to remain dry and clean. [R285.151.25(1)] NOTE*: Animal cargo spaces in vehicles may also need to conform to appropriate primary enclosure* requirements.
34	Priority	The vehicle is not overcrowded to the extent that will cause injury to the animals being transported. [R285.151.41(3)] Animals transported in the same primary enclosure are of the same species and maintained in compatible groups. [R285.151.41(4)] Puppies and kittens are not transported with adult dogs or cats other than their dams. [R285.151.41(5)] Animals exhibiting a vicious disposition are transported individually. [R285.151.41(6)] A female dog or cat in estrus is not transported in the primary enclosure with a male. [R285.151.41(7)]

Recordkeeping is not only required but is an integral part of operations and animal health. Records can identify needed adjustments, resources, procedures and protocols. Appropriate data can identify trends in adoptions, intakes, fosters, length of stay, returned adoptions, and more. Animal shelters are required by law to maintain records of where and from whom animals came from, their disposition (adopted, transferred to another MDARD-registered shelter, or humanely euthanized), and a description of each animal. Shelters allowing sexually intact animals to be adopted must utilize spay-neuter contracts and collect a $25.00 (minimum) refundable deposits from adopters to ensure the animals

are spayed/neutered. Shelters importing animals from other states must comply with import requirements for age minimums, vaccinations, & treatments for internal/external parasites. All imported animals must be accompanied by a valid Certificate of Veterinary Inspection (CVI) or Interstate Health Certificate (IHC) issued in the State of origin.

RECORDKEEPING & DOCUMENTATION		
Item	**Risk**	**Requirement and legal cite(s)**
35	Core	Intake: For acquired animals shelter maintains; **1**. Name/address of the person (registered animal shelter /rescue/nonprofit organization) from whom the animal was acquired, [285.151.13(1)(a)] If the dog is brought to the shelter as a stray, documenting the location where the dog was found, [§287.308 Sec. 8] **2**. Date of acquisition, [285.151.13(1)(b)] **3**. Description and identification of the animal (breed/sex/color /approximate weight), [285.151.13(1)(c)] **4**. Age for annual reporting requirements [§287.339a Sec. 9a]. Records are maintained for 2 years and available when deemed necessary by MDARD. [285.151.13(2)] **5.** Each registered shelter is required to annually report their animal statistics to MDARD for the prior year by March 31st of the subsequent year, [§287.339a Sec. 9a] www.michigan.gov/animalshelters for form.
36	Critical	If stray dogs are accepted and/or harbored by an animal protection shelter, the dogs are reported to local animal control/law enforcement within 48 hours. [§287.308 Sec. 8] NOTE*: Even if 1 dog is not properly reported is a violation and may be* subject to penalties.
37	Priority	Imports: Dogs and cats are accompanied by an interstate health certificate (IHC) or certificate of veterinary inspection (CVI) signed by an accredited veterinarian licensed to practice veterinary medicine in the dog or cats sate of origin, including records of the dog or cat's medication and immunization. [§287.335a Sec. 5a(3c)], [§287.335 Sec. 5a(4c)]
38	Priority	Imports: Dogs imported to animal shelters are 6 weeks of age or older and if 6-8 weeks of age are accompanied by their dam. Cats imported to animal shelters are eight weeks of age or older [287.335a Sec.5a(1)], as defined by policy effective September 18, 2017.
39	Priority	Imports: If indicated, imported dogs and cats have been treated for external and internal parasites so that they are not capable of spreading the external or internal parasites to another animal at the time it is imported into the state. [287.335a Sec. 5a(3)(b)], [287.335a Sec. 5a(4)(b)]
40	Priority	Imports: All vaccinations required for legal importation into Michigan have been given and are noted on the CVI: Dogs: distemper, parvovirus, canine adenovirus-2 (CAV-2), and if 12 weeks of age or older vaccinated against leptospirosis, and rabies. [287.335a Sec. 5a(3)(a)] Cats: feline panleukopenia (FPV), calici virus, and feline herpes virus-1 (FHV-1); if 12 weeks of age or older vaccinated against rabies. [287.335a Sec. 5a(4)(a)]
41	Core	Disposition: For each animal purchased or otherwise acquired, held, transported, sold or otherwise disposed of, the management keeps and maintains the following information in a manner prescribed by the Department; Date, method, and nature of disposition [R285.151.13(1)(d)] and the name and address of the person to whom it was sold or otherwise disposed of. [R285.151.13(1)(a)]
42	Critical	All adopters of unaltered dogs, cats, and ferrets have entered into a contract where they agree to have the alteration performed (exceptions are: transfers to current MDARD registered shelters, law enforcement agencies, or service dog organizations [§287.338a(1)] and left a good faith deposit of at least $25.00 indicating the person's intent to have the dog, cat or ferret altered within the prescribed time based on the animals age. [§287.338a(4)&(2)]
43	Core	Alteration contracts include a statement that if the terms of the contract are breached because a person adopting a dog, cat or ferret fails to have the animal altered as required in the contract, then the person agrees to pay liquidated damages of the greater of $100.00 or actual reasonable costs incurred by the shelter to enforce the contract. Before a person signs each contract a representative of the shelter has verbally directed the person's attention to the liquidated damages agreement in the contract. [§287.338a(8)]
44	Core	For transfers of dogs, cats, or ferrets between MDARD registered shelters, **1.** Prior to the animal's release, the giving shelter obtains a written statement that the receiving shelter is willing to accept the animals. **2.** Promptly after receipt by the receiving shelter, they provide a written statement to the giving shelter containing a description of the dog, cat, or ferret and acknowledge it receipt on a specified date. [§287.338a(7)(c)]
45	Priority	Ferrets: Imported ferrets have an official interstate IHC or CVI signed by an accredited veterinarian and a current rabies vaccination if the ferret is over 12 weeks of age, and a current distemper vaccination if the ferret is over 6 weeks of age [287.895 Sec. 5(1)], and ferrets under 6 weeks of age are not imported into this state unless accompanied by its natural mother. [287.895 Sec. 5(2)] A Ferret Health Advisory sheet is given to adopters of ferrets. [§287.896]
46	Core	MDARD has been promptly notified of any change in veterinary service. [R285.151.36] *See 29. Shelters are required to have 1 shelter veterinarian on file with MDARD as a requisite for registration; registration lapses if the named veterinarian on file with MDARD no longer provides services.*