



IONIA, MICHIGAN CITY COUNCIL TO ADOPT ANIMAL BANS

**** ORDINANCE SET FOR 2nd READING JAN. 3rd ****

The Issue:

The Ionia, Michigan City Council is considering [Ordinance No. 491](#) which would ban the personal ownership of “exotic, rare or dangerous” animals. The prohibition does not apply to licensed businesses. The same ordinance also proposes to “phase out” pit bull terrier ownership. Ordinance 491 was introduced, had a first reading, and passed with a 5-3 vote at the Council’s December 6th meeting. The ordinance is scheduled for a public hearing and second reading at the January 3, 2012 Council meeting.

The Impact:

“Exotic, Rare or Dangerous Animal” Ban

Ordinance 491 provides a long list of so-called dangerous animals ([see page 7 of the proposal](#)) that it makes “unlawful for any person to possess or maintain”. The list includes all venomous snakes, all constrictor snakes and all animals “whose bite or venom, is poisonous or deadly to humans.” While not prohibiting exotic animal ownership, per se, the proposal defines an exotic animal to include “generally, the species of animals which are not native to the State or the United States and/or [are] introduced from another country.” This type of definition is of essentially no value and should be eliminated from the proposal because whether a species is non-native does not, of itself, determine whether such a species is of any threat to public health or safety.

The prohibition does not apply to:

- pet shops licensed by the state department of agriculture;
- zoological gardens licensed by the USDA and accredited by the American Association for the accreditation of zoological parks and gardens;
- certain circuses licensed by the USDA; or
- any person who is in possession of an injured animal listed in this section under a valid caregiver’s permit issued by the state department of natural resources.

“Pit Bull Phase Out”

The proposed ordinance prohibits “any person from acquiring, possessing or maintaining, within Ionia, any pit bull terrier”. “Pit bull terrier” is defined as “any dog which exhibits those phenotypical characteristics which:

- Substantially conform to the breed standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or
- Substantially conform to the breed standards established by the United Kennel Club for American Pit Bull Terriers.” (NOTE: The standards of the UKC are attached to the text of the proposed ordinance.)

This prohibition **DOES NOT** apply to show dogs or dogs shown at similar events sponsored by a nationally recognized kennel club or dog breeders association, or its local affiliate or chapter.

If this ordinance is adopted, it does provide a “grandfather clause” for anyone who currently owns a “pit bull terrier”. Owners of these dogs at the time of adopted of this ordinance may keep the dogs, but must obtain a license within 30-days of passage, if the dogs are not already licensed. The ordinance also states that “upon the death, sale or other transfer of ownership, or possession of such pit bull terrier, this exception will **NOT** apply”.

Also, any person who claims an exception by virtue of preexisting ownership and possession of a licensed pit bull terrier shall comply with the following ownership and possession requirements:

- At all times when such dog is outside of any enclosed structure, fenced yard or fenced dog run, the animal must be under the control of a person over the age of 18 and be held securely by a leash of adequate strength to restrain the dog.
- Pens or structures utilized for harboring or keeping such dog outside of habitable structure shall have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot;
- Any litter of puppies from such existing licensed pit bull terriers must be removed from the City upon attaining the age of four months, or the puppies will be subject to all other provisions of this ordinance; and
- Any such existing licensed pit bull terriers that are determined by a district court judge or magistrate to have exhibited behavior so as to fall within the definition of a vicious animal will lose exemption and must be removed by the City or be destroyed.

Non-compliance/Penalties

If it is determined that a “pit bull terrier” or an animal listed as “exotic, rare or dangerous” is being illegally possessed or maintained, a district court judge or magistrate will issue a summons to the owner ordering him to appear in court to show cause why the animal should not be destroyed or removed from the City. The district court or magistrate may retain the animal in question at a chosen facility at the owner’s expense until a hearing is held and a decision is made. The proposed ordinance does not specify a specific penalty for violators, but rather states penalties will be set forth as in Section 202.99 of the City’s Codified ordinances. Section 202.99 declares “unless a violation is specifically designated the violation shall be deemed to be a misdemeanor”. (For more information on the Ionia, Michigan City Code penalty laws [click here](#)).

PIJAC Position:

Any restrictions on possession of animals should be based on objective criteria demonstrating a threat to public health or safety. Species of animals do not represent such a risk merely because they are not native to a particular region. Likewise, certain breeds of dogs are not inherently dangerous. As behavioral experts recognize, training and care of the animal is what will determine its tendency towards aggressiveness. Various breeds of dogs have been targeted over the years as vicious or dangerous animals, and so-called “pit bulls” are simply the favorite target of the day. Prohibiting the possession, ownership or sale of these animals will deprive pet owners of loving animals, but will not prevent those who desire to own vicious dogs from acquiring other breeds that are just as effective for the purpose.

Recommended Action:

[Ordinance No. 491](#) is set to be heard, and possibly voted on, by the Ionia City Council on January 3rd (City Hall, 7:00 p.m.). While PIJAC would not oppose an ordinance placing reasonable restrictions on species that might legitimately be characterized as dangerous, this proposal is too broadly written and **should be redrafted to eliminate breed-specific restrictions as well as overly broad restrictions on “exotic” animals that do not represent in threat to public health or safety.** Those concerned with the right to protect pet ownership should immediately contact all members of the [City Council](#) to voice your objections. Also, if possible, attend the public hearing to express public opposition.

For additional information, please contact PIJAC’s Bambi Osborne via email at: bambi@pijac.org or by phone at: 202/452-1525, ext. 105.

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On behalf of pets, responsible pet owners, and the pet industry, we thank you!