
CITY OF ROCHESTER HILLS

Building
Department

Scott Cope Director
Robert White Supervisor

DATE: October 4, 2010

TO: Mayor Barnett

RE: Dangerous Animal Ordinance

On March 18th, 2010, Building Department staff submitted a memo regarding a potential dangerous animal ordinance as a result of recent attacks by Pit Bull dogs. In that memo, staff and the administration indicated that the current ordinance and an active State law provide the necessary regulations to appropriately deal with dangerous animal issues when they arise, and a breed specific ordinance would not necessarily prevent future attacks. Since that time, we have had one other incident involving a Pit Bull dog, and further attacks have been reported in communities in southeast Michigan. As directed, staff has furthered its investigation of the Pit Bull dog issue.

The question before Council is, do we as a city, want to deal with dangerous animal issues as they arise or develop a more restrictive ordinance that attempts to limit the number of incidents.

Staff has determined four possible routes that the community may choose from in dealing with the dangerous animal, and in particular, the Pit Bull dog attacks: 1. Rely on the current ordinance and State law. 2. Allow Pit Bulls dogs but with restrictions. 3. Ban Pit Bull dogs over time and set restrictions for current owners. 4. Ban Pit Bulls outright.

1. Rely on current ordinance and State law to deal with problem animals when they arise.

This method assumes that no ordinance, no matter how specific and restrictive, will prevent an attack by a dangerous animal. Communities like Waterford that have a breed specific ordinance banning Pit Bull dogs for many years, continue to have incidents with Pit Bull dogs. This method was used in the February case on Harrison, in which the owner of the victim dog, using the State law, submitted a complaint to the magistrate at the 52-3rd District court. The complaint resulted in the court ordering the attacking dog euthanized, and a second dog spared, with restrictions. (immediate sterilization, kept in crate in the home when unattended, leashed, muzzled, and with an adult, while outside the home and kept in a fully enclosed and pad locked kennel while in the rear yard)

2. Rely on current ordinance and State law with specific restrictions on Pit Bull dogs.

This method, once again, relies on the fact that no ordinance will prevent an attack. It also goes one step further in identifying pit bull dogs as a possible safety concern by placing specific restrictions on them. Restrictions could include specific requirements for containment and control methods in an attempt to reduce the possibility of attacks. This method does not restrict pit bull dogs from the community, but it would require pit bull dog owners to take the precautions outlined in the ordinance.

3. Enact an ordinance similar to Waterford and Sylvan Lake that bans Pitt Bulls over time.

This method takes in to consideration point number four below, as to the viciousness of Pit Bulls during attack and concedes a need to do everything possible to prevent an attack. Though not guaranteed to succeed in preventing attacks, it prevents the need for current responsible owners from having to remove the family pet. The ordinance in these communities, prohibit new Pit Bulls after a specific date and puts certain requirements on current Pit Bull owners as to the proper containment and control of their dogs. The requirements are similar to the court order on the Harrison case:

- Be under the control of someone at least of the age of 18
- Be held securely by a leash of adequate strength to restrain the dog.
- Have a muzzle over its jaws sufficient to prevent the animal from inflicting any bite upon another person of animal
- Obtain liability insurance on the property of no less than one hundred thousand dollars (\$100,000) of coverage.
- Specific requirements for the construction of dog pens when the dog is housed outside.
- Identifying tattoos on the dog, registered with the state department of agriculture. Once the dog has died, then no other Pit Bull dogs may reside at the home.
- If a judge determines any existing Pit Bull dogs to be a dangerous animal, then the exemption of the ordinance will cease and the dog must be removed from the city.
- Underground fences are not considered effective to control the Pit Bull dog.

4. Completely ban Pit Bulls.

In looking at the state and national statistics it is clear that Pit Bull dogs are involved in attacks on other animals and people more than any other breed. It is also clear that because of specific breeding, Pit Bull dogs inflict injuries which are much more severe because of the method of attack. These characteristics are the reason that many communities are considering a complete ban on Pit Bull dogs. Waterford staff enforcement office indicated that although the long term ordinance has not totally prevented attacks, they believe there would be more if not for the complete ban on Pit Bull dogs. The problem with this direction is that it potentially punishes good owners and good dogs which have not had an incident, and it requires residents to get rid of the family pet simply because of the breed.

The first method is purely a reactive method of dealing with a dangerous animal. Choices number 2, 3 and 4 are slightly more proactive in an attempt to minimize the potential for a Pit Bull dog attack. It must be noted again, that no ordinance or restriction can guarantee that an incident will not occur.

Ordinance Compliance inspectors would determine the breed is a Pit Bull when listed on an Oakland County dog license, as determined by a vet at the time of vaccination. If the breed of the dog is in question and the dog is not licensed, the owner will be required to license the dog and have the breed identified by a qualified professional. Oakland County Animal Control will not enforce our local ordinance, however, if we ask, the County will notify us when a pit bull dog is licensed in the City of Rochester Hills.

The adoption of methods 2, 3 or 4 noted above, will have an impact on the Ordinance staff's workload. The amount will be determined by the method of enforcement developed.

Bui/animal/2010/oct 4 2010