

## **Animal Control Commission**

**November 8, 2021 at 5:30pm**

**Bloomington Animal Shelter – Zoom Meeting  
3410 South Walnut Street, Bloomington, IN 47401**

### **MEMBERS**

Sue Allmon -present via zoom  
Sita Cohen -present via zoom  
Chris Hazel -present via zoom  
Valerie Pena -present via zoom  
Nancy Riggert -present via zoom  
Laura Soto -present via zoom

### **GUESTS**

Heather Lacy - present via zoom  
Susan Sandberg - present via zoom  
B Square - present via zoom  
Samantha Morton - present via zoom  
Isabel Piedmont-Smith - present via zoom  
Julie Gray - present via zoom

### **STAFF**

Jacquelyn Moore – present via zoom  
Lisa Ritchel – present via zoom  
Virgil Sauder – present in person

Valerie asked to rearrange the schedule in order to give adequate time to the ordinance discussion.

Nancy moved to rearrange the agenda and do *Reports* before *New Business*.

Sita seconded.

Roll call vote: Sue: “yes,” Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “yes,” Laura: “yes.”

Motion passes 6-0-0.

## **I. APPROVAL OF MINUTES**

Chris moved to approve the September 20, 2021 minutes as written.

Nancy seconded.

Roll call vote: Sue: “yes,” Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “yes,” Laura: “yes.”

Motion passes 6-0-0.

## **II. REPORTS**

### **i. Animal Care and Control Report**

Virgil began by bringing an animal control case to the attention of the Commission. He explained that on September 9, 2021, an ACO responded to a dog bite that was reported by the Bloomington Police Department. An individual was bitten during an altercation that arose when that person was breaking and entering into the apartment where the dog resides. This individual also damaged property outside of the apartment. The bites were potentially severe causing some scarring to the individual. When BPD officers and ACOs arrived to the scene, the dog was very friendly, calm and had no issues with anyone else at the scene. In discussing this incident with the officers involved and ACO Minder, the feeling is that because the bite was inflicted during a crime, there is no probable cause to declare the dog vicious. Valerie interjected and stated that it is a hero possibly. Virgil then asked if anyone had any questions or concerns. Sita asked if there was any history on the dog. Virgil explained that there is no history other than boarding the dog at the shelter for the rabies quarantine, and there were no issues. Valerie shared that she would be more concerned with the message they would send if a dog was declared vicious for protecting his home and owner when being attacked. Valerie stated that Virgil made a great call. The

other members all agreed. Sita added that one can't blame a dog for trying to protect his owner if someone is breaking in.

Virgil continued and reported that the shelter intake through the month of October is roughly 1000 more animals than in 2020. He feels that normal intake levels have returned. He did add that this is still 1000 animals less than 2019, so the downward trend continues. Adoption numbers are higher than in 2020, so even though more are coming in, more are getting adopted. In honor of November being Adopt a Senior Month, senior animals will be spotlighted on social media and fees will be waived for dogs and cats that are five years of age or older. ACO Steury has completed his certification through the National Animal Control Officer Association and ACO Ennis will be starting this training soon.

#### **ii. MCHA Update**

Sue explained that the MCHA will host pet pictures with Santa on December 4, 2021 at the south Walnut location. The holiday supply drive will be Dec. 1 through Jan. 1. There are ten new therapy teams that are trained and in place. They have started a monthly spay/neuter event for area rescues, generally on Saturdays. The Halloween trail was a huge success despite the weather. The clinic is now closed on Sundays through February 22, 2022. They are continuing the transient outreach on the first Monday of every month to provide food, vaccines, flea and tick prevention and assessment of pets that are living with their families outside.

#### **iii. AMC Update**

Virgil reported that not much happened at the last meeting since no one was in attendance for the one appeal that was on the agenda. The Commission was updated on the joint City/County ordinance group. The current focus is on aligning the definitions and on the vicious and potentially dangerous ordinances. Valerie added that one of the main goals of this joint ordinance group is to help assist community members that are living in the potential annexation areas as they transition from County to City rule.

### **III. NEW BUSINESS**

#### **i. Request to Review City Council Ordinance 21-45 prohibiting sale of Cats and Dogs in Pet Stores.**

Valerie introduced the topic and referred to the copy of this Ordinance that everyone received. She then thanked Council Member Isabel Piedmont-Smith and Council Member Susan Sandberg for being in attendance. Valerie then introduced Samantha Morton from HSUS and Deputy Attorney Heather Lacy.

Heather Lacy explained that she is the Deputy Attorney for the Bloomington City Council and that she will be giving a brief explanation. She stated that Ordinance 21-45 is sponsored by Council Members Susan Sandberg, Isabel Piedmont-Smith and Dave Rollo. The ordinance proposes to make several amendments to Title 7 which is titled *Animals* of the Bloomington Municipal Code. It would prohibit the sale of dogs and cats by pet shops and adds a penalty for violation. Additionally it would revise, add and delete various defined terms within Title 7. It removes section 7.16.045 titled *Consumer Protection Requirements* in its entirety, which applies to the sale of dogs and cats by major pet shop permit holders. It also revises the permit fee for commercial animal establishment. This ordinance has arisen from concerns about humane treatment of animals, specifically the treatment of animals that are kept and bred in puppy and kitten mills. Experts at the HSUS have advised that decreasing the demand for animals bred in puppy and kitten mills is one component of reducing or eliminating mills all together. Also, it is believed that a ban on the sale of animals in pet shops is likely to increase demand for animals from

shelters and rescues. The ordinance would not affect a consumer's ability to obtain a dog or cat of their choice from a breed specific organization, shelter or responsible breeder where the consumer can see the conditions where the animals are kept and also view the parent animals. The ordinance would allow pet shops to collaborate with local shelters and rescues to offer space and support for showcasing adoptable homeless pets. Both Petco and PetSmart already have corporate policies in place that prohibit the sale of dogs and cats, so the local businesses that would be impacted would be Anthony's Pets in the College Mall and Delilah's on West 3<sup>rd</sup> Street. Both businesses were forwarded correspondence advising them of this legislation, giving them information about how they can comment and when it will come forward to Council. Heather added that similar legislation has been passed in St. Joseph County, IN; Columbus, IN; Highland, IN; and Dyer, IN. Also there are three communities in Indiana: Crown Point, Munster, and Hobart, that are considering similar legislation. The ordinance will be first read at the Council meeting on Wednesday, November 17. On that same night, the ordinance will be debated and reviewed in committee. Council will then vote on the ordinance at its December 1 regular session. Heather concluded by sharing that motivation to bring this to the ACC is in an effort to involve those that are in the trenches of animal care and the humane treatment of animals.

Chris thanked everyone involved with this ordinance. She stated that it has been a long time coming and that she is very pleased! Sita agreed and stated that she is absolutely thrilled! Sita then asked about how this will get enforced and what the next step will be.

Susan Sandberg answered and explained that this ordinance will not go into effect for another year once it is passed. Out of respect, the two local pet shops are being given a year to come into compliance and to adjust their business plans. The ordinance would not go in effect until January, 2023. Also, the businesses were alerted to this legislation so that they can attend the meetings, this one included.

Samantha from HSUS explained that there has been a huge nationwide trend for communities and states across the country to go humane, with St. Joseph County kicking it off in Indiana several years ago and most recently Crown Point passing an ordinance last week! It is known that if the amount of puppies sold as impulse purchases at a pet shop is reduced, the inhumane puppy mills that are providing these animals will also be reduced. Samantha explained that Indiana has seen some movement because the State of Illinois passed a state law prohibiting the sale of dogs and cats in pet stores. As a result, at least three pet shops have come over the border and have opened up in northwest Indiana. There are also rumors of new pet stores opening in Indianapolis. Heather stated that the best defense for communities in Indiana is to pass this type of ordinance. Valerie then asked if most legislation pertains just to dogs and cats. Samantha stated that the majority pertains to dogs and cats although some include rabbits depending on the location.

Valerie explained that this topic has been discussed by this Commission for years and she agreed that it is very nice to see it in a format where action can be taken. In years past, the concern was what legislation like this could do to small businesses.

Sita then asked for clarification on "giving away" animals under Section 6. Heather answered that this wording addresses concerns about animals that might be given away as a prize. Sita then asked if the fine of \$500 in Section 15 is per animal. Heather answered in the affirmative. Valerie stated that may need some more clarification.

Nancy then asked again about the “giving away” language. She asked if that reinforces the piece that the pet shop’s only involvement is in offering space to an authorized entity. Heather answered in the affirmative.

Dave Askins from the B Square Bulletin asked about where he can find the text of this draft ordinance. He stated that it wasn’t in the posted agenda and that he could not find it anywhere else. Heather answered that she will email it directly to Mr. Askins.

Valerie added that she did invite the members to the Bloomington Kennel Club to this meeting and to the Council meetings. She stated that the majority of the club members are true breeders who are very picky about who gets their dogs and in the past they have been in support of an ordinance like this.

Sita moved to accept the ordinance with the recommendations for modification.

Chris seconded.

Roll call vote: Sue: “yes,” Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “yes,” Laura: “yes.”

Motion passes 6-0-0.

Valerie stated that they have the full support of this Commission to move forward. Susan thanked everyone and stated that she would love to have the members in attendance at the Council meetings to offer support. Susan then gave a special thank you to Julie Gray for bringing the matter to the Council’s attention. Then, she, Isabel and Dave acted on it as quickly as they could with the help of Heather on the language and the support of Samantha, who has been wonderful resource.

#### **IV. ANIMAL CONTROL COMMISSION DISCUSSION**

Virgil thanked those who responded with feedback on the nuisance wildlife page. He asked that if anyone has not had a chance to do this, to please do so.

#### **V. PUBLIC COMMENT**

No public comment.

#### **VI. ADJOURNMENT**

Sita moved to adjourn.

Sue seconded.

Roll call vote: Sue: “yes,” Sita: “yes,” Chris: “yes,” Valerie: “yes,” Nancy: “yes,” Laura: “yes.”

Motion passes 6-0-0. The meeting adjourned at 6:08pm.