

# Dangerous Dog Ordinance Template

There are more than 53 million dogs in the United States providing comfort and companionship to their caregivers. Unfortunately, more than 4.5 million people are bitten by dogs each year in the United States. In more than 800,000 of these incidents, the victims seek medical attention. Children are the most common victims of dog bites, and are far more likely to be severely injured. People more than 70 years old comprise ten percent of victims and account for twenty percent of those killed. Bite injuries range from minor cuts or bruising, to more rarely, the unfortunate death of the victim. All dogs have the potential to become biters, so community policies should be written broadly to address all breeds.

Dog bites are a serious public health and safety issue that inflict physical and emotional damage on victims and incur costs to communities. There is no statewide law or regulation governing the handling of dangerous dogs in Iowa. Each community has a unique set of dog bite-related problems and should take its own approaches to confronting them.

This template is intended to provide a starting point for community discussion. Each community should pull together a group of stakeholders to start policy discussions, the stakeholder group should include at minimum, the animal control authority, law enforcement, public health and legal counsel. While this template provides points to consider, it was not intended to be adopted verbatim, each community should make their own jurisdiction-specific modifications. In addition, this template is not intended to be a substitute for legal advice. Any local jurisdiction considering adoption of a dangerous dog ordinance should consult with its county or city attorney or other legal counsel regarding its jurisdiction and the advantages, disadvantages, risks, and limitations of any ordinance.

## 1. Definitions

- 1.1. "Agency with authority" refers to an authority designated to manage dangerous dog cases.
- 1.2. "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. Further, no dog may be declared 'dangerous'
  - 1.2.1. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
  - 1.2.2. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
  - 1.2.3. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
  - 1.2.4. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian of the dog;
  - 1.2.5. If the dog was responding to pain or injury or protecting itself, its kennels, or its offspring;
  - 1.2.6. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
  - 1.2.7. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
- 1.3. "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including but not limited to dogs, cats, guinea pigs, rabbits and hamsters.
- 1.4. "Impound" means taken into the custody of the agency with authority to enforce the dangerous dog ordinance of this jurisdiction.
- 1.5. "Owner" means any firm, corporation, organization, department, or person 18 years of age or older that possesses, harbors, keeps, has an interest in, or has control or custody of a dog.
- 1.6. "Proper enclosure" of dangerous dogs requires that except when properly restrained (1.7), dogs are securely confined within an occupied house or residence or in an escape-proof kennel with the following description:
  - 1.6.1. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one half (2.5) times the length of the dog, and shall protect the dog from the elements.
  - 1.6.2. Fencing material shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.

- 1.6.3. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.
- 1.6.4. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.
- 1.6.5. The kennel must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls.
- 1.6.6. The kennel must comply with all zoning and building regulations in the jurisdictions.
- 1.6.7. The kennel must be adequately lighted and ventilated and kept in a clean and sanitary condition.

No dangerous dog may be kept on a porch, patio or in any part of a house or residence that would allow the dangerous dog to exit such building on its own volition. No dangerous dog may be tethered to inanimate objects such as trees, post, buildings, or any other object or structure with a chain, rope, or other type of leash.

- 1.7. "Proper restraint" means a dog is under the control of an owner (1.5), muzzled, and restrained by a substantial lead not exceeding six feet in length when not confined in a proper enclosure (1.6). The muzzle shall be made in a manner that will prevent the dog from biting a human or animal; but will not cause injury to the dog, obscure its vision, or interfere with its respiration.
- 1.8. "Review committee" means a committee appointed by the **[local appointed authority]** consisting of a minimum of three people including a member of the public, a veterinarian or animal behavior expert, and a representative of the **[agency with authority]**

## 2. Investigation Requirements

- 2.1. All persons aware of a bite are required to report the bite to local public health or law enforcement and the **[agency with authority]** within **[xx hours/days]**
- 2.2. The **[agency with authority]** must initiate an investigation within **[xx hours/days]** after a bite is reported and must determine whether the dog is dangerous based on definitions in 1.2.
- 2.3. The **[agency with authority]** shall notify the owner of the investigation findings within **[xx hours/days]** of the investigations completion. The investigation findings will be provided in writing and hand delivered with signature of owner receipt.
- 2.4. The owner may appeal the investigation findings. The owner must provide a written notice of appeal to the **[agency with authority]** within **[xx number]** business day of the owner receipt of investigation findings. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the **[agency with authority]**. The appeal hearing will be scheduled within 20 days of the receipt of the notice of appeal, but the hearing may be continued for good cause. The appeal hearing shall be

confined to the record made, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the investigation, and any other information the review committee deems necessary. After the hearing, the review committee will affirm or reverse the investigation findings of the **[agency with authority]**. The review committee determination will be filed with the **[agency with authority]** within 3 days of the hearing.

### 3. Dangerous dog requirements

3.1. Following an investigation (section 2), the **[agency with authority]** shall issue a certificate of registration to the owner if the owner demonstrates to the satisfaction of the **[agency with authority]** the following criteria have been met within 30 days of notification of investigation findings:

3.1.1. The owner of the dangerous dog shall present a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such dangerous dog. The certificate of registration requires the owner to notify the **[agency with authority]** within one business day, if the insurance policy is cancelled for any reason; and

3.1.2. A valid license has been issued for the dangerous dog at the owner's expense pursuant to jurisdiction; and

3.1.3. The dangerous dog has a current rabies vaccination at the owner's expense and complies with Iowa Code Chapter 351; and

3.1.4. The dangerous dog is required to be properly restrained (1.7) at all times when not being confined in a proper enclosure (1.6); and

3.1.5. The dangerous dog has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the **[agency with authority]**; and

3.1.6. The dangerous dog has been photographed for identification purposes and the photo is kept with the **[agency with authority]**; and

3.1.7. The owner of the dangerous dog has written permission of the property owner or homeowner's association where the dangerous dog will be kept if applicable; and

3.1.8. The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous

warning symbol that informs children of the presence of a dangerous dog. The sign shall be legible from the public roadway or 50 feet, whichever is less.

#### **4. Dangerous dog owner requirements of notification to [Agency with Authority]**

The owner of a dangerous dog shall:

- 4.1. Notify **[agency with authority]** immediately in person or by telephone upon escape if a dangerous dog is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
- 4.2. Notify **[agency with authority]** within **[xx hours/days]** with the complete name, address, and telephone number of the new owner of the dangerous dog if the dog has been sold, given away, or ownership has been transferred to an owner inside or outside the jurisdiction.
- 4.3. Notify **[agency with authority]** within **[xx hours/days]** of a change of address or telephone number by the owner of the dangerous dog.
- 4.4. Notify **[agency with authority]** within **[xx hours/days]** if the dangerous dog has died and the circumstances of the dog's death.
- 4.5. Notify **[agency with authority]** of the owner's permanent county of residence if an incident that initiated an investigation occurred in another county or state.

#### **5. Consequences of failure to comply with ordinance.**

- 5.1. If the **[agency with authority]** determines that a dog is dangerous, the **[agency with authority]** has the discretion to impound the dog, at cost to the owner, until the owner meets the requirements outlined in section 3.
- 5.2. An owner who violates the provisions of sections 3 shall be guilty of a serious misdemeanor, and, upon conviction, shall be punished by a fine not to exceed **[\$XXX]** or imprisonment not to exceed **[XX]** days, or both, for a first offense and not more than **[\$XXXX]** or imprisonment not to exceed **[XX]** days, or both, for a second offense. If, after thirty (30) days, the owner has not satisfied all the requirements, the animal may be humanely euthanized on the thirty-first (31) day. The owner shall be liable to this jurisdiction for the costs of impounding the dangerous dog whether or not the owner reclaims the dog.