Responding to the Data: Constructing successful pet friendly ordinances

A project of the National Animal Interest Alliance

March, 2005

NAIA presents

A guide to constructing successful, pet-friendly ordinances

A new day has dawned!

Working with pet owners, breeders, rescues, animal control agencies, and public officials, the National Animal Interest Alliance has developed this guide to constructing successful, pet-friendly ordinances. For the first time, this document allows lawmakers, responsible pet owners, and enforcement agencies to pool their resources in a positive way regardless of the special challenges faced by communities of all sizes and in all regions of the US.

NAIA has long championed the rights of pet owners to responsibly own dogs and cats and is the only national animal interest group to promote the expertise of responsible owners as a key component of reasonable laws to govern human/animal relationships. NAIA also supports realistic animal control laws and the agencies that have the difficult job of enforcing these statutes without sufficient funds and in the face of resistance from pet owners who view them with suspicion.

As a natural outgrowth of our mission to improve human-animal relationships for the benefit of all concerned, we are therefore pleased and proud to offer this fresh look at the connection between pet owners, animal control agencies, and community animal control dilemmas, and to provide suggestions that will aid in developing a strong statute that can be supported by all citizens, regardless of whether they own a dog or cat.

While recognizing that different circumstances dictate diverse responses, NAIA believes that the general results produced by any animal control law depend on community acceptance, and, in turn, community acceptance depends on fair enforcement of reasonable laws. The facts are simple: without the backing of responsible pet owners, no animal control law can succeed; and pet owners are often reluctant to support the law unless there are clear benefits for doing so. This reluctance translates into losses of millions of dollars in uncollected license fees – fees that are critical to the support of the leash laws, nuisance laws, and other statutes designed to protect community health and safety from diseased, stray, and feral animals and from owners who refuse to keep their animals at home to prevent nuisances and injuries.

This guide grew out of our 12-year history of conferences, collaborations, and projects geared to strengthening the human-animal bond and was stimulated by our November 2004 conference dedicated to helping communities solve dangerous dog problems. The conference went beyond the mantra of “deeds not breeds” to pool resources to identify and offer incentives for responsible dog owners and to draft enforceable reasonable laws to deal with dangerous dogs and negligent dog owners. The document presents ideas for

identifying dangerous and potentially dangerous dogs and expands beyond that initial mandate to include provisions for increasing dog license compliance, providing voluntary registration for cat owners, dealing with pet-related nuisances, discussing legislative efforts that backfire, and outlining basic plans for confinement and control.

NAIA is an association of business, agricultural, scientific, and recreational interests dedicated to promoting animal welfare, supporting responsible animal use and strengthening the bond between humans and animals. Our members are pet owners, dog and cat clubs, obedience clubs and rescue groups as well as breeders, trainers, veterinarians, research scientists, farmers, fishermen, hunters and wildlife biologists. Our membership includes some of America's most respected animal professionals, advocates and enthusiasts.

NAIA provides the public with factual information about animal issues, especially those that are complex, misunderstood or controversial. Our board members are experts who represent the broad spectrum of animal interests embraced by alliance members. Many of our members are deeply involved with animals or the environment as a lifestyle, a career, or a special interest. Many NAIA members serve on local, state, and national panels dedicated to improvement in laws, policies, and regulations governing man's contact with animals. They volunteer in animal shelters, participate in breed or species rescue efforts, teach dog obedience classes, organize public education seminars and events, and share their expertise with newcomers to their field and the general public.

With such a broad spectrum of expertise at our fingertips, we are ready willing, and able to go beyond providing the information in this guide to help implement the ideas it contains. Feel free to call on us for assistance.

Sincerely,

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Responding to the Data:

Constructing successful *pet friendly* ordinances

Pet licensing was established to protect the public from diseased, free-roaming and dangerous dogs at a time when rabies was a common public health threat. The goal was to round up as many dogs as possible in a given community and inoculate them.

During the last 60 years or more, the practice of linking rabies vaccination to dog licensing became a widely accepted method for achieving that goal. But in the last few decades, pet ordinances expanded beyond issues of public health, safety and livestock protection. Today's ordinances include measures to make pet owners more responsible and humane and take aim at reducing surplus shelter animals and neighborhood nuisances such as roaming cats and noisy dogs.

Many of these newer provisions attempt to avoid problems by broadly defining or restricting the conditions under which people can own or keep pets. As a result, there are now pet limits to prevent people from keeping more than a certain number of pets; bans against owning specific breeds; extra licensing requirements for people whose pets have litters; and higher license fees for intact dogs and cats than for neutered ones.

Yet despite these and numerous other amendments put forth by well-meaning lawmakers, citizens and activist groups; and despite a dramatic increase in household pets[1] and the amount of money their owners are willing to spend on them,[2] only about 30% of pets targeted by these ordinances are ever licensed.[3] Attempts to license the remaining 70% have focused on the threat of enforcing greater restrictions and heavier penalties. These are empty threats, however, because funding for increased enforcement usually does not exist. So while this tack may scare a few owners into grudging compliance, it also causes a corresponding measure of cooperation and support to be lost from the group that was already compliant.

If the goal is to improve compliance levels, it's crucial to understand why the majority of American pet owners (and not just the irresponsible ones) resist even the most basic pet licensing requirements. When all is said and done, pet license compliance levels reflect community support for animal control services, so if people choose not to license, it may be because they do not recognize animal control services as necessary and beneficial or do not consider that animal control officials support the responsible pet owners in the community.

Even though the majority of households keep pets today[4], and even though most pet owners report that they consider their pets as part of the family, animal control laws often treat the entire pet-owning community as the problem and their pets as disposable commodities or as nuisances that must be monitored or banned. Instead of defending the values of responsible pet owners, many ordinances today are loaded with unenforceable

provisions that actually threaten an owner's sense of security and convert otherwise responsible citizens into scofflaws, driving them underground for fear of being found in violation of the law. Worse, unenforceable statutes undermine confidence in the legal system and poison public opinion against animal control.

Nevertheless, it appears as if some lawmakers believe that the benefits produced by adding idealistic but unenforceable requirements to animal control ordinances outweigh the negative consequences of declining community support for animal control and loss of licensing revenue. In reality, unenforceable ordinances unite responsible pet owners, irresponsible pet owners and non pet owners in their opposition to animal control.

At NAIA we consider this an unfortunate and totally unnecessary outcome. Animal control agencies perform important work that deserves the support of the communities they serve. It is the purpose of the ***NAIA Pet Friendly Ordinance Project*** to help pet owners and municipalities alike begin to address the root cause of all these animal control problems: specifically, ordinances that make adversaries out of the public they serve.

Our research shows that to be successful, ordinances must distinguish between responsible and irresponsible pet owners. They must offer support and incentives to encourage and reward responsible pet ownership; and they must enforce reasonable penalties against irresponsible pet owners to bring them into compliance. As a result of our research, NAIA offers this ordinance concept to communities seeking answers to animal control problems. The first of its kind, *this prototype is intended as a conceptual guide* to be adapted to local and regional needs; hence it can be used in whole or in part to redesign or amend animal control ordinances. This model challenges many of the assumptions that underlie failing animal control ordinances.

A word about pet limit laws and breed specific restrictions

Number limits are commonly found in both zoning and animal control ordinances, but they are ineffective at best and counterproductive at worst because they:

- cause animal control agencies to lose potential license fees because pet owners with multiple pets avoid licensing altogether for fear of being found in noncompliance;
- are difficult to enforce;
- create bureaucratic snarls between governmental agencies when animal control officers are required to enforce zoning laws; many which are generated by unresearched local planning office opinions;
- are vulnerable to court challenge

This model law does not include either pet number limits or breed-specific restrictions. NAIA study shows that it is far better to prosecute actual nuisances and dangers than it is to penalize the universal *possibility* of a nuisance or danger. Therefore NAIA supports nuisance laws and dangerous dog laws that clearly describe dog and owner behaviors that constitute nuisances and public dangers. We have learned that pet number limits and breed specific restrictions simply do not work. They are difficult to enforce and create animosity among responsible owners who become criminals as a result of poorly defined terms and arbitrary laws.

- are used to harass neighbors;
- ignore the ability of responsible owners to keep more than X-number of pets without causing a nuisance;
- increase the number of pets entering shelters by prohibiting families from adding a pet they can easily care for; and
- lead to a disrespect for the law and a willingness to violate it.

Number limits are often cited as a means to prevent the hoarding of more pets than can be properly housed and cared for, but this problem is better solved by strict enforcement of animal control and nuisance laws that require proper confinement and noise abatement, by health regulations that govern odor and waste, and by cruelty laws that protect animal welfare.

Pet number limits are not only unenforceable and destructive, they were also ruled unconstitutional when challenged in Pennsylvania. [5]

Breed restrictions are also costly, impossible to enforce and likely to cause the deaths of many well-behaved, well-trained dogs that are beloved family pets. In addition, they give citizens the false sense of security that they are protected because a breed or type of dog has been banned. NAIA believes that well-constructed and strictly enforced dangerous dog laws that target irresponsible owners, illegal dog activities and aggressive dogs serve the community far better than specific breed restriction laws.

Breeder licenses and restrictions

Beginning in the early 1990's, activist groups convinced some municipalities that breeder licensing and other restrictions would reduce the number of pets entering shelters and raise funds needed to cope with overpopulation. They claimed that breeders were the source of shelter problems, and they used the media very effectively to promote anti-breeder sentiment and anti-breeder ordinances.[6]

They euthanized dogs and cats on television to showcase the issue of overpopulation and inflamed the public against breeders who they said were to blame.[6] Much of the information used to sell these ordinances was not true. For one thing, they drew no distinction between different kinds of breeders; instead, they lumped responsible breeders who dedicate themselves to improving their breeds with people who breed animals without regard to their health, welfare or placement and with families who simply forgot to spay a household pet and wound up with an unwanted litter.

Today, most of the counties that adopted such provisions have long since discarded them because they did not work. These laws alienated the most responsible dog breeders in the community, but had no affect on the irresponsible ones they were intended to reach. They created a wedge between animal control and citizens who formerly supported them. They drove responsible breeders underground, and they didn't raise funds or address the

real source of surplus shelter dogs and cats. They were failures by every objective measure.[7,8]

NAIA opposes breeder licensing and restrictions, not only because they don't work, but because they are detrimental to the production of well-bred, healthy, puppies and kittens of good breed temperament. These restrictions lead to the conclusion that breeding pets is a shameful activity when, in fact, in-home hobby breeders who attend dog or cat shows and belong to kennel or cat clubs are major stakeholders in responsible pet ownership. Such breeders are the best sources for healthy puppies and kittens and excellent resources for responsible pet ownership education projects, breed rescue efforts, obedience training, temperament evaluation, and behavior problem-solving. They host dog training classes and microchip clinics; their club events bring millions of tourism dollars to their communities, and they often donate event profits to charity. These highly experienced advocates of responsible pet ownership should be the natural allies of pet licensing programs, but because they've been made the brunt of unenforceable anti-breeder provisions, they often avoid dealing with animal control agencies altogether.

A few more notes on unenforceable provisions ...

Some communities have been tempted to include prohibitions or restrictions on animal husbandry practices or to add language that substitutes guardianship for animal ownership. NAIA opposes these provisions because they change the focus of animal control laws, create unintended legal and economic consequences and do nothing to enhance compliance.

Essential elements of a *successful pet friendly* ordinance

Now that we've emphasized elements that do not work and should not be included in pet ordinances, it's time to look at some elements that will convert a failing ordinance into a truly workable one that will serve the community well. Here's our model.

Pet licensing

In an ideal world, county governments would fully finance animal control services from the general fund, and pet licensing as we know it today would be converted to an identification system designed to assure rabies vaccination compliance, monitor potentially dangerous dogs and distinguish cats that have owners from ones that do not. But in most jurisdictions, licensing programs continue to be important because dog licensing fees are still needed to supplement the costs of running a professional animal control agency.

As much as those fees are needed, many licensing programs fail because pet owners do not see the advantages of buying a license, especially for a pet that stays home. Responsible pet owners often see animal control ordinances as making them pay for the actions of irresponsible owners who ignore the law. Therefore, our model ordinance distinguishes between responsible and irresponsible owners by providing incentives to reward responsible owners, penalties to bring irresponsible owners into compliance and a program for increasing the number of licensed pets. Each jurisdiction (city, township, county) may set its own license fees and has the option of offering multiple-year or lifetime licenses and registrations.

In order to develop and implement an effective dog licensing or voluntary cat registration program, local governments must:

i. eliminate the unenforceable provisions (i.e., pet number limits, breed and breeder restrictions, unrealistic reclaim fees) that make people fear animal control agents and agencies;

ii. provide incentives by giving financial breaks to those who demonstrate responsible ownership practices such as permanent pet identification, secure fencing, proof of training, spay or neuter, early or lifetime licensing/registration, etc.

iii. pledge special treatment for pets that are identified by microchip and a license or registration by providing one free trip home, longer hold times and specific contact efforts;

iv. write and enforce meaningful penalties against violations of dangerous dog laws and nuisance ordinances;

v. create an animal control advisory board made up of representatives from pet-related businesses, an animal welfare group, dog and cat club enthusiasts, and a non pet owner. These might include a veterinarian and a groomer, a

representative from the pet industry, representatives from local cat and dog clubs, a dog trainer and a homeowner who does not have a pet; and

vi. advertise the program to local citizens. Openly discuss the challenges faced by animal control and invite the community to help. Explain how the new, improved ordinance and licensing and registration programs are designed to benefit them and the community. Provide visible identification (bumper stickers, T-shirts, pins, etc.) for responsible pet owners to build community awareness of the program and build a viable partnership between responsible owners and animal control agencies. Perception is reality. If the public doesn't know about the innovative programs that have been established, they will have far less chance of success.

Dog licenses

1. All dogs that have reached a designated age (usually 3-6 months) in the jurisdiction must be licensed.

2. License fees will be set by the county using a format or system of licensing that enables animal control to recognize and reward responsible dog ownership at the same time it sets penalties for irresponsible dog ownership. *High license fees may lower compliance rates*, so fees should be chosen carefully. Licenses may be valid for the term of the current rabies inoculation with discounts on annual license fees given for licenses that span more than one year. For example: If a one year license fee is $30, a two year license might be $25 per year and a three-year license $20 per year.

Many jurisdictions already provide a lower license fee to reward those who spay or neuter their pets. This practice has proven to be an excellent method for encouraging owners to neuter pets that are not involved in formal breeding programs. But many pets impounded in shelters today are already neutered, demonstrating that neutering is only part of the solution. There are numerous other behaviors that promote responsible pet ownership. Discounted fees can also be used as incentives to encourage or reward those who permanently identify their pets, confine them behind a fence, take them to obedience classes, or complete other tasks that make the job of animal control easier and that protect the community from the nuisance or danger of unrestrained and unsupervised pets.

Incentives may include but not be limited to the following, to be provided for the dogs of those who:

i) complete an AKC Canine Good Citizen course and test[10];

ii) achieve an obedience title awarded by a nationally respected organization such as the American Kennel Club;

iii) use microchips (or other permanent identification that is acceptable to the agency)[11,12];

iv) confine their dogs in a yard that is securely fenced to prevent escape;

v) belong to an obedience club, kennel club, or dog organization that promotes responsible dog ownership[13,14];

vi) are active participants in dog sports, search and rescue activities, or therapy dog visits[13,14,15];

vii) neuter their pets; or

viii) participate in a dog or cat rescue program.

3. Incentive discounts cannot be used to reduce the yearly dog license fee below a minimum amount set by the agency. Under the current system, there is one fee for fertile dogs, and a discounted fee for neutered dogs, the price of a neutered dog often being about half of the rate charged for an intact dog. Under the system recommended here, responsible dog owners with intact dogs would also be eligible to receive discounts for practices that are associated with responsible dog ownership. Dog owners would choose from a menu of license discounts: a dog might qualify for a $15 discount if he is neutered; an $8 discount if microchipped; an $8 discount if the dog passes a CGC Test or completes an obedience course or achieves an obedience title, and $5 if the owner participates in breed rescue, belongs to a club or association that promotes responsible dog ownership or participates in dogs sports or therapy dog visits to hospitals or nursing homes[16]. Those who wish to keep their dogs intact can get their discounts by permanently identifying their dogs, participating in dog sports or therapy work, belonging to a club that promotes responsible pet ownership, performing rescue, confining their dogs behind a secure fence, etc.

A review of licensing statistics shows that neutered dogs have the highest license compliance rates. This suggests that incentives work and that the responsible owners of intact dogs might also be excellent candidates for licensing if incentives were offered to them. A side benefit of this program is its public education value. It provides a vehicle for relaying important information about specific elements of responsible dog ownership to the public, with a positive feedback loop for people who license their dogs.

4. Breeders, rescuers, hunting dog owners and others with multiple dogs can purchase annual kennel (facility) licenses for an amount set by the county using a format or system that enables animal control to recognize and reward responsible ownership. Facility licenses are available for dogs owned or housed on the property as long as the facility and owner meet minimum standards for housing and care.

5. Facility licenses can be discounted based on the incentives listed for individual dog owners.

6. If public perception of animal control is going to change, public education and advertising programs will be necessary to inform citizens about animal control programs and goals. Therefore, license fees must be set aside in a fund specifically for animal control programs, including impoundment of uncontrolled dogs, administration of the county animal control program, and annual public education events to

encourage the responsible dog ownership necessary for a viable animal control program.

7. License fees shall be waived for:
   i) any dog used primarily as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.
   ii) any dog used by a public agency or a private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers the mission of the agency to protect and serve the public interest.

8. Juvenile licenses may be made available for free for dogs below licensing age. Each jurisdiction can determine the age division between juveniles and adults. Juvenile licenses provide a non-threatening entry into the system when the puppy is acquired and new owners are most open to information about becoming responsible pet owners. Juvenile licenses can be available through breeders, veterinarians and pet stores at the time the puppy is obtained or first seen by a veterinarian and can be input into the data base for rabies vaccination and license renewal reminders.

What to do about cats …

NAIA opposes cat licensing for a variety of reasons. Cats pose little threat to public health, which is the conventional reason for government regulation of animals. To the contrary, cats can and often do provide a public health benefit in settings where mice and other rodents might otherwise proliferate. In addition, some cats never go outdoors and it is unjust to expect the owners of indoor cats to foot the bill for feral, free-roaming and indoor/outdoor cats that become nuisances. Studies indicate that more than 40% of US cats are strays or feral animals and that nearly 25% of households feed stray cats. [17]

Cats are now America's most popular companion animal. In many parts of the country, cats continue to serve communities in their historical role, keeping rodent populations under control, as well as being family pets. In densely populated urban settings, though, outdoor cats aren't always greeted with open arms. Free-roaming cats often become neighborhood nuisances and have replaced dogs as the number one surplus shelter animal in many parts of the US. As a result, even though 20-25% of shelter cats appear to have been owned in the recent past, animal control agencies spend significant resources taking care of cats for which no one else takes responsibility.

From a practical standpoint, once an unidentified cat ventures beyond its own property, it belongs to no one. Furthermore, cat owners aren't as likely as dog owners to immediately go looking for a lost pet at the local shelter, so the number of cats returned to their owners is disproportionately low.[18] Many shelters post photos of impounded cats on their websites to help owners locate a lost pet, but in the absence of permanent identification, shelters

have a difficult time distinguishing between cats whose owners will look for them and less fortunate ones. Consequently, some cats are placed or euthanized before their owners can find them, a very disheartening circumstance. This is why our model recommends owner-initiated voluntary cat registration linked to microchips to help shelters reunite cats with their owners.

For a voluntary cat registration/identification program to work, animal control agencies must agree to check all cats entering the shelter for a microchip and contact their owners. If the owner cannot be located immediately, the agency must also agree to hold registered/chipped cats beyond the standard hold time. This system of owner-initiated voluntary registration linked with identification provides responsible cat owners a better chance that their pets will be returned. Just as importantly, it provides animal control agencies a means of distinguishing between cats whose owners are more dedicated to them than others in the shelter.

Voluntary, owner-initiated registration linked to identification should not be seen as a regulatory scheme but as a pact or service agreement between responsible cat owners who want to increase their odds of getting a lost pet home and animal control, which agrees to treat such cats with greater concern by making defined efforts to contact their owners and extending impound times before placement or euthanasia. The fee charged for this optional service will be used to defray some of the extra expense needed to give a cat special attention.

Registration fees will be set by the county in an amount that encourages cat owners to participate.

For communities that already mandate cat licensing, responsible owners can receive license fee discounts if they:

i) keep cats indoors;

ii) spay or neuter their pets;

iii) belong to a cat club that promotes responsible pet ownership[19]; or

iv) participate in cat shows or cat rescue efforts[19].

Incentives cannot reduce the license fee below a base amount. For details on how to implement incentive and education programs, see the discussion under dog licensing above.

NAIA supports animal control agencies that recognize and work with feral cat colonies and their caretakers by providing health checks and spay and neuter services for colony animals. Identification of the cats adds to the success of the colony program.

One free ride home

If a licensed or registered pet is picked up at large and is identified by its chip or license tag, thereby allowing the animal control officer to return it without taking it to the shelter, the pet will be returned to the owner directly. When returning the pet, the animal control officer will remind the owner that the pet must be confined and that further violation may result in impoundment, a fine, or a citation.

If the pet is picked up running at large on a second occasion, it will be taken to the shelter and a citation for violation will be issued to the owner. Penalties can be increased for subsequent violations.

Nuisances

Abatement of nuisances caused by pets is essential for neighborhood harmony.

1) Nuisances include excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and odors caused by failure to clean the dog's resident property.

2) It is a dog's nature to bark at strangers and other dogs and a dog owner's responsibility to minimize the impact this noise has on the neighborhood. The noise rises to the level of nuisance when the dog barks, howls, or yelps in a habitual, consistent, or persistent manner that continually disturbs the peace of the neighborhood.

3) Soiling occurs when the dog or cat

i) deposits feces on public property, public and private rights-of-way, and private property;

ii) sprays or deposits urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

4) Nuisance soiling also includes odors caused by failure to properly dispose of feces and clean urine from kennels and yards.

5) Owners are responsible for picking up feces deposited by their dogs in public places, confining their dogs and cats so that their pets do not soil neighbor's yards, and cleaning up their own properties to prevent odors.

6) The animal control agency shall investigate each complaint and issue a warning letter to the dog owner on the first offense. A citation may be issued on subsequent offenses.

7) Penalties may include fines or court-ordered owner attendance at a responsible dog ownership session or dog and owner attendance at an obedience school at the owner's expense. The fines may be waived upon completion of the requirements.

8) Dog owners who repeatedly violate nuisance laws will be subject to increased fines and to requirements that they provide secure confinement for their pet. If the violation involves sanitation on the property, health inspectors may make periodic visits to assure that sanitation is maintained.

Confinement and control

Most animal control problems are caused by loose dogs and stray cats. Therefore, laws and policies written to protect the community must be tailored to encourage responsible dog ownership and strictly enforced against owners who fail to keep their pets at home or prevent them from becoming nuisances or dangers to their neighbors.

1) Confinement:
All dogs and cats must be confined to prevent escape.

2) Control:
When off the owner's property, the dog must be restricted by a leash or otherwise controlled by a legally responsible person to prevent it from causing a nuisance.

3) Tethering:
Because tethering in an unfenced area is an invitation to approach a dog and thereby risk injury to the dog or person, this method of control is allowed only as a redundant method of confinement behind a perimeter fence or within another enclosure, in urban areas. Tethered dogs cannot escape from perceived threats; as a result, tethering has been implicated in a significant number of bites when children tease dogs or enter a tethered dog's limited territory. A reasonable timetable should be set to enable dog owners to obtain the required fencing.

4) Animal control personnel have the authority to remove a dog or cat from a vehicle if the animal's health is endangered by such confinement in hot weather.

Dangerous dogs

Communities have a right and a responsibility to deal with dangerous dogs in a manner that clearly identifies such dogs and holds owners responsible for their actions. Identification of potentially dangerous dogs is valuable to allow for intervention before a serious injury or death occurs. However, animal control agents should be trained to recognize the difference between a potentially dangerous dog and a dog that is acting as a watchdog or is simply alerting strangers to avoid its territory.

Animal control agencies should investigate claims that dogs are dangerous, provide due process to owners who are accused of harboring dangerous dogs, and be authorized to euthanize dogs if deemed necessary after due process has been exhausted. Regardless of the appeals of activists in the no-kill movement, dogs adjudicated as too dangerous to live in one community should not be shipped to another jurisdiction.

Potentially dangerous dog

1) A potentially-dangerous dog is:

i) a dog that, when off the property of the owner and unprovoked, menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person;

ii) a dog that, while running at large, menaces, attacks, or injures a domestic animal;

iii) a dog that, while running at large, jumps on, chases, or bites a person causing a less than severe injury. (A severe injury is any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.)

iv. a dog that, unprovoked and absent extenuating circumstances, menaces, attacks, or bites a person on the owner's property causing a less than severe injury.

2) Procedure for classifying a dog as potentially dangerous:
Upon filing of a complaint, the animal control officer or his representative shall investigate the circumstances and notify the dog owner of the charge. The results of the investigation should be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be potentially dangerous, the dog owner has the option of filing an appeal with the animal control board or court or accepting the designation.

Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was the result of the victim abusing or tormenting the dog or it was directed toward a trespasser or a person committing or attempting to commit a crime or it involved other similar mitigating or extenuating circumstances.

3) Sanctions for owning a potentially dangerous dog:
The owner must provide secure fencing to keep the dog confined on his own property. When off the owner's property, the dog must be kept on a secure leash of no more than four feet in length and under control of a legally responsible person. The owner must also place photos of the dog on file with the animal control agency, microchip the dog for identification, and provide proof of liability insurance that covers injuries. (This insurance may be difficult or impossible to obtain, so owners should have the option of self-insuring against an incident.)

Depending on the outcome of the investigation, the court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a responsible ownership class. These additional requirements will be at the expense of the owner.

4) Procedure for removal from potentially-dangerous dog list:
If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the court of the animal control board for removal of the designation.

Dangerous dog

1) A dangerous dog is one that
   i) has previously been classified as potentially-dangerous and exhibits escalating aggressive behaviors that result in further complaints;
   ii) a dog that, without provocation, inflicts severe injury on a human being;
   iii) repeatedly menaces, maims, or kills domestic animals when off its owner's property; or
   iv) is used to threaten people or domestic pets or is used as a weapon in the commission of a crime.

Notwithstanding the above, the dog warden or his representative shall have discretionary authority to refrain from classifying a dog as dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was the result of the victim abusing or tormenting the dog or it was directed towards a trespasser or a person committing or attempting to commit a crime or it involved other similar mitigating or extenuating circumstances.

2) Procedure for classifying a dog as dangerous:
Upon receiving and investigating a complaint, the animal control officer or his representative shall investigate the circumstances and notify the dog owner of the charge. The results of the investigation should be reported to a magistrate or other court officer or to an appointed animal control board and to the dog owner. If the court officer deems the dog to be dangerous, the dog owner has the option of filing an appeal with the animal control board or accepting the designation. Depending on the circumstances, the dog may be impounded pending disposition of the case.

3) Sanctions for owning a dangerous dog:
A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no longer than four feet when in public. The pen must be built so the dog cannot dig his way out. Photos of the dog must be filed

with the animal control agency and the owner must provide proof of at least $100,000 in liability insurance. Depending on the outcome of the investigation, the court may require a behavioral evaluation of the dog and sentence the owner to attend a responsible ownership class.

4) Confinement of dangerous dogs
Dogs that have been adjudicated as dangerous must be confined behind a locked fence of sufficient height and materials to contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner's property, a dangerous dog must be restricted by a leash of no more than four feet in length and may be required to wear a muzzle.

5) Transporting dangerous dogs:
Dogs that have been adjudicated as dangerous must be confined in a crate in a closed vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in the vehicle.

Penalties for dangerous dog running at large

NAIA has a no-tolerance policy towards dangerous dogs running at large. Therefore, the punishment will be severe, absent mitigating circumstances.

1) Dangerous dogs that run at large and repeat the behavior that earned the designation will be impounded and euthanized.

2) Dangerous dogs that run at large without repeating that behavior may be returned to their owners at the discretion of the animal control agency after reviewing the case and inspection of the confinement facility.

3) Owners who fail to confine their dangerous dogs out of carelessness or neglect face high fines and possible jail time. The assigned penalties must be enforceable.

Dog fighting and other crimes

Raising and training dogs for fighting and participating in dog fighting are serious crimes that deserve tough penalties, including prison time.

Those who use dogs to threaten others or to guard criminal activities should also face serious consequences, including jail time.

Notes

1. According to the *U.S. Pet Ownership & Demographics Sourcebook* (AVMA, 2002) there are more than 60 million pet dogs and nearly 70 million pet cats in the US. (http://www.avma.org/membshp/marketstats/sourcebook.asp)

2. American Pet Products Manufacturers Association Fact Sheet: Industry Statistics & Trends, (http://www.appma.org/press_industrytrends.asp) 3. A hard statistic to pin down, but 30% is the number most often cited by animal control agencies as the high end of the compliance curve. Many communities have a lower compliance rate.

4. According to the 2003/2004 *APPMA National Pet Owners Survey,* 39 percent of US households (40.6 million) own at least one dog and 34 percent (35.4 million) own at least one cat. (http://www.appma.org/pubs_survey.asp)

5. In Commonwealth v Creighton (Pennsylvania 639 A.2d 1296 (Pa.Cmwlth.,1994), the appeals court overturned a pet limit and quoted these precedents: **"What is not an infringement upon public safety and is not a nuisance cannot be made one by legislative fiat and then prohibited."** [Kadash v. City of Williamsport, 19 Pa. Commonwealth Ct. 643, 650, 340 A.2d 617, 621 (1975).] Further, **"even legitimate legislative goals cannot be pursued by means which stifle fundamental personal liberty when the goals can be otherwise more reasonably achieved."** Commonwealth v. Sterlace, 24 Pa. Commonwealth Ct. 62, 66, 354 A.2d 27, 29 (1976). For more information, see http://www.naiaonline.org/body/docs/penny2000.doc

6. Pet Overpopulation -- A Self-Fulfilling Prophecy? by Anna Sadler, Cat Fanciers Association (http://www.cfainc.org/articles/legislative/pet-overpopulation.html). Included in this article is the following: "The healthy puppy and kitten euthanized on live television as a kick-off to Kim Sturla's original breeding ban proposal sent animal lovers scurrying to their checkbooks, and this tactic is being repeated nationwide."

7. The San Mateo County Pet Overpopulation Ordinance: A Legislative Failure, a report from The Animal Council (http://www.fanciers.com/npa/sanmateo.html)

8. San Mateo ordinance fails test of time, http://www.naiaonline.org/body/articles/archives/smateo01.htm

9. In 1993, a Pennsylvania legislator introduced a bill that call for a "voluntary moratorium" on all dog breeding in the state. (http://www2.legis.state.pa.us/WU01/LI/BI/BT/1993/0/HR0194P2697.pdf#search='breeding%20moratorium')

10. AKC Canine Good Citizen program, http://www.akc.org/events/cgc/index.cfm

11. AKC Companion Animal Recovery program, http://www.akccar.org/

12. AVID Microchip ID, http://www.avidmicrochip.com/

13. AKC clubs and performance events are listed on the organization website, http://www.akc.org

14. United Kennel Club clubs and performance events are listed on the website, http://www.ukcdogs.com

15. Many states have canine search and rescue organizations that train dogs for tracking lost persons or locating the victims of tragedies. The North American Search Dog Network (http://www.nasdn.org/) provides general information about the use of search and rescue dogs.

16. Therapy Dog International (http://www.tdi-dog.org/) is one organization that certifies dogs for nursing home and hospital visits.

17. National Pet Alliance website, http://www.fanciers.com/npa/owned-cats.html

18. Statistics taken from Multnomah County Animal Services for the last six months in 2004 paint a typical picture of owner returns of dogs versus cats. 3128 cats were impounded: 87 cats (3%) were returned to their owners. 2359 dogs were impounded: 1062 dogs (45%) were returned to their owners.

19. Cat Fanciers' Association Inc., http://www.cfainc.org/