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**08.30.010 Definitions.**

(a) Except as provided in subsection (e) of this section, a "potentially dangerous domestic animal and dangerous domestic animal" is any domestic animal that:

(1) Without provocation, chases or approaches a person, domestic animal, or livestock, in a threatening manner or in an apparent attitude of attack; or

(2) Has a known propensity, tendency, or disposition to attack without provocation, or otherwise threaten the safety of human beings or domestic animals.

(b) Except as provided in subsection (c) of this section, a "dangerous domestic animal" is any domestic animal that:

(1) Has bitten or otherwise inflicted physical injury on a human being without provocation on public or private property;

(2) Has, while off the premises of its keeper, killed a domestic animal without provocation; or

(3) Has been previously classified as potentially dangerous and is found in violation of the provisions of this chapter, or whose keeper has, in relation to that domestic animal, violated any of the provisions of this chapter.

(c) Exceptions to potentially dangerous and dangerous domestic animal classifications are as follows:

(1) No domestic animal may be classified potentially dangerous or dangerous if:

(A) Acting against a trespasser who had illegally entered premises occupied by the keeper of the domestic animal; or

(B) The domestic animal was being tormented abused or assaulted.

(2) No domestic animal may be classified potentially dangerous or dangerous if the domestic animal was protecting or defending a person within the immediate vicinity of the domestic animal from an attack by a person or other animal, or if the domestic animal was acting to defend itself from attack by another animal or person.

(3) No domestic animal may be classified potentially dangerous or dangerous if the injury or damage to an animal was sustained while the domestic animal was working as a hunting dog, herding animal, or predator control animal on the property of or under the control of its keeper and the damage or injury was to a species or type of animal appropriate to the work of the domestic animal.

(4) No dog may be classified potentially dangerous or dangerous if the dog has been trained to attack persons independently or upon oral command while under the control and supervision of an authorized government or law enforcement unit and the act is directly associated with the proper execution of its duties.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

### **08.30.020 Classification of domestic animals; notice; restrictions pending appeals.**

(a) The director of animal control shall have the authority to determine, based on probable cause, that a domestic animal is potentially dangerous or dangerous. The determination and classification of the domestic animal shall be completed by the director within 15 days of the bite or attack report. In making the classification, the director will consider all of the facts and circumstances of the incident, including the following factors:

- (1) The observed and reported past and present behavior of the domestic animal;
- (2) Whether the incident was accidental in nature;
- (3) The extent of the injury to the person or animal attacked;
- (4) The keeper's history of compliance with the City and Borough animal control code provisions pertaining to the domestic animal involved in the incident; and
- (5) The keeper's history of animal control code violations pertaining to the domestic animal involved in the incident.

(b) Written notice of a domestic animal(s) classification under subsection (a) of this section shall be served on the keeper of the domestic animal at the keeper's last known address. The notice shall describe the domestic animal, state the grounds for its classification, and state the restrictions and other requirements, including a spay or neuter requirement as the director determines appropriate, applicable to the domestic animal by reason of its classification. The notice shall also state that if a written request for a hearing is filed with the director of animal control within 15 days after completion of service of the notice, a hearing will be conducted by the animal hearing board under [section 08.30.030](#) to review the classification of the domestic animal or any related written administrative orders issued by the director. The right to a hearing shall be deemed waived if not timely requested as set forth on this subsection.

(c) The notice referred to in subsection (b) of this section shall be given either by personal delivery to the person to be notified or by certified mail, return receipt requested, addressed to the person at the person's last known address. Notice by personal delivery shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

(d) During the pendency of any hearing on the classification of a potentially dangerous or dangerous domestic animal, the director of animal control may require that the domestic animal be kept securely confined on the premises of the keeper or other location acceptable to the director which may include quarantine time at the animal shelter at the keeper's expense.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

### **08.30.030 Animal hearing board.**

(a) The animal hearing board shall be composed of five members and one alternate member appointed by the manager for staggered three-year terms provided the initial terms shall be staggered as follows: One for a one-year term, two for two-year terms; two for three-year terms; and the alternate(s) initial term shall be for three years. Preference shall be given to members selected from the following groups: licensed veterinarians; organized animal interest groups; animal trainers, preferably experienced in handling problem animals; animal owners from the general public; and non-animal owners from the general public. The alternate shall also be selected from one of these groups. No member of the animal hearing board who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:

- (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or
- (2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.

(b) The animal hearing board shall hear appeals regarding the classification of domestic animals as potentially dangerous or dangerous, related written administrative orders issued by the director of animal control, and decisions on applications for reclassification of domestic animals under [section 08.30.120](#)

(c) The hearing before the animal hearing board shall be held within 15 days of receipt of the request for a hearing. The hearing shall be informal, and technical rules of evidence shall not apply. In the animal hearing board's review of the classification of the domestic animal, the animal hearing board shall determine whether the director's classification of the animal is supported by substantial evidence in the record.

(d) The animal hearing board shall enter written findings, stating the reasons for the determination and indicating the evidence relied upon. The written decision shall be filed with the director of animal control and the municipal clerk no later than 48 hours after the close of the hearing. The proceedings at the hearing shall be recorded.

(e) When a domestic animal has been classified as dangerous, the animal hearing board shall first determine if that classification is proper. If the animal hearing board determines that the domestic animal was improperly classified as dangerous, the animal hearing board shall then determine if the domestic animal is potentially dangerous. If the animal hearing board determines that the domestic animal is potentially dangerous or dangerous, the keeper shall comply with the requirements of this chapter applicable to potentially dangerous or dangerous domestic animals, and any associated written administrative orders.

(f) The animal hearing board's decision shall include an order stating the amount of fees and costs associated with the quarantine of the domestic animal at the animal shelter while the appeal was pending. In the event the animal hearing board determines that the domestic animal is neither potentially dangerous nor dangerous, no costs shall be charged for quarantine of the domestic animal at the animal shelter during pendency of the hearing.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.040 On-premises confinement.**

While on the keeper's property, a potentially dangerous or dangerous domestic animal must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children and designed to prevent the domestic animal from escaping by climbing, burrowing, or otherwise. The potentially dangerous or dangerous domestic animal must be securely confined indoors at all times until the enclosure is available. The enclosure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.050 Off-premises restraint.**

A potentially dangerous or dangerous domestic animal may be off the keeper's premises only if it is humanely muzzled and restrained by a substantial leash not exceeding four feet in length. The leash and domestic animal shall be under the actual physical control of a person suitable to control the domestic animal at all times. Such domestic animals shall not be leashed to inanimate objects such as trees, posts or buildings. The muzzle must be made in a manner that will not cause injury to the domestic animal or interfere with the domestic animals vision or respiration, but must prevent the domestic animal from biting any person or domestic animal.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.060 Notification of change of status.**

(a) The keeper shall immediately notify the director of animal control if a potentially dangerous or dangerous domestic animal is at large, unconfined, has attacked another animal or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the keeper.

(b) If the potentially dangerous or dangerous domestic animal is given away, sold, moved to another location, or is otherwise no longer in the possession of the original keeper, the original keeper shall, prior to giving away, selling, or moving the domestic animal to another location, provide the director of animal control with the name, address and telephone number of the new keeper. The new keeper, if located in the City and Borough, shall comply with all of the requirements for owning or harboring a potentially dangerous or dangerous domestic animal prior to possessing the potentially dangerous or dangerous domestic animal.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.070 Signs.**

The keeper shall display signs in such form as required by the City and Borough on the keeper's premises warning that there is a potentially dangerous or dangerous domestic animal on the premises. One sign must be visible from any public right-of-way abutting the premises. A sign must also be posted on the enclosure for the domestic animal.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.080 Liability insurance.**

The keeper of a potentially dangerous or dangerous domestic animal shall maintain a liability insurance policy, if reasonably available, in an amount of not less than \$100,000.00 covering any damage or injury that may be caused by the domestic animal. The policy shall contain a provision requiring that the director of animal control be notified by the insurance company of any cancellation, termination or expiration of the policy.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.090 Special license and tag.**

(a) The keeper of any potentially dangerous or dangerous domestic animal shall obtain from animal control a special license and collar for the domestic animal. The special license will be issued for a term of one year beginning January 1 of the year for which the license was issued.

(b) An application for a special license shall be made to the director of animal control and shall include the information required by [section 08.15.010](#), proof of the insurance

required in [section 08.30.080](#), a picture of the domestic animal, and any other information requested by the director of animal control.

(c) Upon completion of all application requirements a special license identification tag will be issued to the keeper of a potentially dangerous or dangerous domestic animal. The keeper shall ensure that the issued tag is securely fastened to the required collar and the tag and collar must be worn by the domestic animal at all times.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.100 Spay or neuter requirement.**

The director of animal control or the animal hearing board may order that within 15 days after the classification as a potentially dangerous or dangerous domestic animal, the keeper of the domestic animal shall have the animal spayed or neutered and present proof of that fact to the director of animal control. The alteration of the domestic animal shall be at the keeper's expense.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.110 Destruction of dangerous domestic animals.**

(a) The animal hearing board may order any domestic animal that is classified as dangerous to be humanely euthanized after being quarantined for such period as provided by law.

(b) Any potentially dangerous or dangerous domestic animal involved in a violation of this chapter may be ordered euthanized by the court at the expense of the keeper.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*

#### **08.30.120 Reclassification of domestic animals.**

(a) The keeper of any domestic animal classified as potentially dangerous or dangerous may apply for reclassification of the domestic animal to non-dangerous. Applications with respect to domestic animals classified as potentially dangerous will be reviewed and acted upon by the director of animal control. Applications with respect to domestic animals classified as dangerous will be reviewed and acted upon by the animal hearing board. A request for a hearing to review a decision of the director on an application for reclassification must be filed within 15 days after completion of service of the notice. Notice shall be served in the manner set forth in [section 08.30.020](#)

(b) In order to be eligible for reclassification, a canine must have obtained a certificate of Canine Good Citizenship or its equivalent since its classification as potentially dangerous or dangerous. Other domestic animals will be considered on a case by case basis at the discretion of the animal hearing board. In addition, in deciding whether to approve the reclassification of a dog, the following criteria shall be considered:

(1) The nature and circumstances of prior occurrences with the dog that resulted in its classification as potentially dangerous or dangerous; and

(2) Whether the keeper has been in compliance with all requirements concerning the dog since its classification as potentially dangerous or dangerous.

(c) A second classification of a domestic animal as potentially dangerous or dangerous after removal of the classification pursuant to subsection (a) of this section, shall result in the domestic animal being permanently ineligible for removal of the classification under this section.

*(Serial No. 2009-12(d), § 2, 10-12-2009)*