

Dangerous Dog Ordinance

ORDINANCE 2005-1 DEFINING "DANGEROUS" OR "VICIOUS" DOGS AND LISTING THE RESPONSIBILITIES OF OWNERS OR KEEPERS OF SUCH DOGS

SECTION I: DEFINITIONS

A. A "dangerous" or "vicious" dog shall include any or all of the following, except police dogs or guard dogs acting under the supervision of a police officer or certified trained dog handler, or seeing-eye dogs:

1. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or a domestic animal without provocation; or
2. Any dog which, without provocation, approaches in a threatening or terrorizing manner, any person or domestic animal upon the streets, sidewalks or any public grounds or places; or
3. Any dog which is trained to attack or cause injury or to otherwise endanger the safety of human beings or domestic animals, or any dog which has a history of attacking or propensity to attack people or domestic animals without provocation.

SECTION II: RESPONSIBILITIES OF OWNERS OF DANGEROUS DOGS

A. Any person owning a vicious or dangerous dog must register the dog with the Hazleton City Health Department and pay a fee of one hundred dollars (\$100.00) for such registration.

B. Upon licensing a vicious or dangerous dog, the owner shall display, in a conspicuous manner, a sign on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and legible from the sidewalk and street.

C. If the animal is kept outdoors, the owner shall properly confine the dog in a pen or structure with secure sides and a secure top. If the bottom is not secured to the sides, the sides must be embedded in the ground no less than two (2) feet. The pen shall be no less than six(6) feet high and contain no less than fifty(50) square feet of ground space. All pens shall comply with city zoning guidelines, as well as with Section 89-10 of the City Code; viz., they shall be at least twenty-five (25) feet from any neighboring residential structures or one-half (1/2) the distance from the outdoor facility and the residential structure, whichever is greater, so as not to be offensive to the neighboring residents.

D. No person owning or harboring a dangerous or vicious dog shall permit such dog to go beyond the confined area of such person's premises unless the dog is securely leashed and muzzled. The leash shall not be longer than six(6) feet. Retractable or flexi-leads are not allowed. The leash shall be controlled by an adult or by a person physically capable of controlling the dog.

E. The owner must provide proof at the time of registration that:

- (1) the home-owner's insurance policy for the residence in which the dangerous dog is housed contains a rider or a liability clause for dangerous dogs;
- (2) the dog's rabies vaccination status is current;
- (3) the dog is licensed for the current year; and
- (4) the dog is micro-chipped with a permanent ID.

F. Once a dog is deemed to be dangerous, it shall be neutered or spayed so as not to propagate vicious characteristics inherent in the progeny of the dangerous dog.

SECTION III: APPEAL PROCEDURE

Within fourteen (14) days of the date of the notice of the police or health officer's decision that a dog is dangerous, the owner of the dog may appeal the decision to a three-member panel appointed by City Council and comprised of a local veterinarian, dog trainer and a person possessing experience with, or extensive knowledge of, dog breeds, such as a dog groomer. The owner of the dog shall send notice of his/her intent to appeal by certified mail to the Health Officer, with copies to the Chief of Police and Clerk of City Council. If such an appeal is filed, it shall be commenced within two(2) weeks of its filing. Within five days of the close of the appeal hearing, the three-member panel shall determine whether to uphold or reverse the decision of the police or health officer.

The determination of the three-member panel shall be final and binding. The dog shall be kept either in a secure enclosure or shall be impounded at an animal shelter during the appeal process. Any and all costs for the impounding of the dog shall be borne by the owner unless otherwise determined by the panel.

IV. VIOLATIONS AND PENALTIES; ENFORCEMENT

A. Any person who violates any provision of this Ordinance shall be subject to a fine as stipulated in Article II, Section 1-16 of the Hazleton City Code. Further, each day for which a violation occurs and each violation of any provision of this Ordinance shall constitute a separate offense.

B. The Hazleton Police Department and Health Officer shall enforce the provisions of this Ordinance.

C. Three violations of Section I A(1) of this ordinance shall result in mandatory euthanasia of the dangerous dog. However, the police or health officer may determine that the dog shall be euthanized after only one attack, depending on the severity of the attack.

ORDAINED AND ENACTED by the Council of the City of Hazleton this 10th day of March, 2005.