

Ordinance Amending the Animal Control and Protection Code Relating to Potentially Dangerous and Dangerous Animals

Serial No. 2016-36:

The following is an itemized breakdown of requested changes and explanations for those requested changes. The goal is to clarify any misunderstandings/misinformation to streamline and modernize the Dangerous Dog code to fall in line with other States, cities, and countries with successful Animal Control & Protection programs.

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

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.~~*

Animal Control's reasoning for classifying animals as Dangerous or Potentially Dangerous is to ensure that the public has a reasonable expectation of safety from a known dangerous animal. Keeping a "Dangerous" dog is a huge responsibility for an animal keeper and must be taken seriously. In the State of Alaska, a dog is considered property. Therefore, the keeper's compliance is just as important as the dog's compliance. An owner that has had animals classified as dangerous in the past should be expected to know and understand the requirements more than someone with a dog with no history. The owner is informed of the DD/PD requirements directly from an Animal Control Officer at time of classification. An owner that fails to keep their animal restrained is a risk to public safety and is the responsible party. Both the dog and the owner's history should play a part in the decision to classify an animal as dangerous.

08.30.090 Special license, tag, and microchip.

(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.

(d) All animals deemed as dangerous or potentially dangerous are required to be microchipped by a licensed veterinarian at the expense of the owner within 15 days after the classification of the animal.

What is a microchip and why is it important to be implemented on dangerous animals?

According to the American Veterinarian's Medical Association, "A microchip is a small, electronic chip enclosed in a glass cylinder that is about the same size of a grain of rice. The microchip itself does not have a battery- it is activated by a scanner that is passed directly over the implant area, the radio waves put out by the scanner activate the chip. The chip transmits the identification number back to the scanner, which in turn displays the microchip number on the screen. The Microchip itself is injected under the skin using a hypodermic needle. It is no more painful than a typical injection, although the needle is slightly larger than those used for injection. No surgery or anesthesia is required—a microchip can be implanted during a routine veterinary office visit." A common misconception is that a microchip contains "GPS" or "tracking" technology. This is not true. A microchip is not a tracking device and in itself, contains no personal information about the animal or its owner.

The recommendation for the change to this ordinance is for the following reasons:

1. Dogs classified as dangerous are required to wear a large metal tag, special collar, be muzzled, and be on a four foot leash when in public. The collar and leash are bright orange with the word "Dangerous" imposed into the material. The dogs are required to have these items on or in use when out of their permanent residence. Unlike tags a microchip is a permanent form of identification that cannot be traded with another animal.

2. Many dogs look alike, especially those of the same breed. Once again, the only positive way to tell the animals apart from other animals of the same breed is thru a microchip (as a collar and tags can be worn by any dog).
3. Animals classified as dangerous are sometimes given away when the owner is unwilling to comply with the requirements of the classification. Often times the new owner's information is not forthcoming, or the new owner is not made aware of the animal's history. A microchip would help identify the animal in any future contacts with Animal Control Officers.

Scenario: A dog owner has 3 black labs from the same litter of puppies. One out of three of those black labs viciously attacks a human or animal and is classified as dangerous. If one of those dogs were able to escape the property while the owner is at work, how would Animal Control determine the identity of the dog in question? The animals are not required to wear a collar with license inside of their home so none of the animals are wearing collars. If the animal is microchipped, an Animal control officer can scan that animal where it is found and determine the true identity within minutes.

This change will put us in line with other states and countries who have taken action to easily identify animals.

Colorado, Georgia, Hawaii, Chicago, Kansas, Maine, Missouri, Nebraska, Nevada, New Mexico, New York, Oregon, Utah, and South Dakota are all states with counties that require their Dangerous dogs to be microchipped.

California and New York State are pursuing legislation to have **ALL** dogs microchipped regardless of status.

Germany, Italy, Australia, New Zealand, Spain, Switzerland, and Northern Ireland are all counties where **ALL** dogs are required to be microchipped.

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 18 years of age or older and 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.

The reason for this change is to have a responsible, physically capable party able to handle a dangerous animal in public who is able to make sound decisions and be held accountable for any ordinance violations in regards to this chapter.

08.30.070 Signs.

The keeper shall display signs, issued by Animal Control at the owner's expense, 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.

Many dog owners in Juneau have signs on their property to warn visitors of the dog on their property. Having a unique sign with a clear message to children more easily identifies a "Beware of Dog" sign from a "Dangerous Dog" sign. Examples below:



Animal Control issued sign



Store-bought sign

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.

While some home owners insurance companies may not offer to insure a certain breed of animal many do provide the coverage required by this ordinance as part of a standard homeowner's policy. For those without homeowners insurance, and who still must maintain financial responsibility, there are a number of animal-specific insurance companies that cover dangerous dogs, specifically, such as XINSURANCE. The question of insurance availability may have been a concern in the past but now owners of dangerous dogs simply state the cost of such insurance as making it not "reasonably available"

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 an evaluation, and proof of having completed any recommended training, by a veterinarian licensed in the State of Alaska; a veterinary technician, licensed in the State of Alaska, who specializes in behavior; a certified applied animal behaviorist; or a board certified veterinary behaviorist.** ~~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, **for a period of at least 36 months,** has been in compliance with all requirements **of this title** 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.

The change in 08.30.120 (b) is requested for change for the following reasons:

1. The Director of the US AKC Canine Good Citizenship program responded in an email that “Canine Good Citizen (CGC) is a great program. It is a great test. But it was not designed to predict whether or not aggression will occur in the future.”
2. The canine cannot be given the CGC test with a muzzle. If the test was given without a muzzle, the keeper would be in violation of **08.30.050 (Off-Premises Restraint)**
3. A history of compliance should be established before lifting the restriction off an animal with a known aggressive history.
4. We want to give the owner of a PD/DD classified animal a legitimate opportunity to reclassify their dogs as non-dangerous. As an animal progresses in age, their aggression tendencies will, more than likely, decrease and become less of a threat to public safety.

I hope that this summary will help clarify the need to make some minor alterations to the dangerous dog ordinances. Each of the recommended changes have come about due to an incident involving a dangerous dog or compliance issues with the animal’s owner. The reclassification changes will finally allow rehabilitated dangerous animals a second chance.

Please let me know if you have any questions.

Thank you,

Matt Musslewhite
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