

Chapter 10 ANIMALS

Sec. 10-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Dangerous dog means any dog that:

- (1) Without provocation has killed or inflicted serious injury on a person; or
- (2) Is determined by the chief of police, their designee, or the animal services advisory committee to have engaged in one or more of the following behaviors:
 - a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, or
 - b. Has killed or inflicted severe injury upon a domestic animal when not on the owner's real property, or
 - c. Has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or
- (3) Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

This definition shall not apply to: (1) a dog that has been subject to provocation, (2) any dog responding to a trespass upon the animal owner's premises, if the victim is the trespasser, or (3) dogs used by law enforcement agencies to carry out official law enforcement duties. Provocation must be clearly established.

Dog means a domestic canine of either sex.

Harboring an animal means feeding or sheltering and animal for 14 days or more unless the animal is being boarded for a fee.

Owner means any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; provided, however, that a person having temporary custody or possession of an animal for the sole purpose of turning over such animal to a member of the animal services division or other peace officer shall not be deemed the owner of the animal.

Provocation means conduct or actions on the part of any person or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

Serious injury means a physical injury resulting in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

Sec. 10-34. Animal services advisory committee.

The animal services advisory committee shall make recommendations to the city council regarding animal-related ordinances, policies, and procedures. The animal services advisory committee may undertake the study of areas under their authority to advise city staff and city council.

The animal service advisory committee, or a duly appointed subcommittee thereof, shall act as the animal services appellate board and hear all appeals under this chapter when permitted by state law, including appeals of dangerous dog determinations.

The composition, rules of procedure, and all other matters shall be governed by the animal services advisory committee charter and rules of procedure, as amended.

Sec. 10-182. Declaration of dangerous dogs.

The chief of police shall have the authority to declare a dog to be a dangerous dog. Any determination that a dog is a dangerous dog shall be made in writing, summarizing the available evidence. The letter shall be served by personal delivery or by certified or registered mail to the owner. The written determination shall order compliance with the appropriate provisions of this chapter and may impose reasonable conditions to maintain the public health and safety.

Sec. 10-183. Dangerous dogs restricted.

It shall be unlawful for any person to own or in any way maintain or harbor a dog that has been deemed dangerous, except as provided in this chapter. Notwithstanding any enumerated exception in listed in section 10-2, any dog which has killed a person shall be immediately euthanized.

Sec. 10-184. Appeal.

Any person who owns a dog that has been declared a dangerous dog shall have the right to appeal the declaration to the animal services advisory committee as provided herein:

- (1) *Manner of appeal.* The owner of a dangerous dog may request an appeal of the determination in writing. The written appeal must be submitted to the chief of police, must state the owner's address, and must be received or postmarked within seven calendar days of the receipt by the owner of notice of the declaration.
- (2) Pending the appeal, the owner of a dangerous dog shall comply with the provisions of section 10-184 herein.
- (3) *Hearing procedures.* Once properly appealed, the animal services advisory committee shall conduct a quasi-judicial hearing to determine whether the declaration of the dog as a dangerous dog should be upheld.
- (4) *Outcome.* If the dog is affirmed by the animal services advisory board as being a dangerous dog, then the owner shall comply with the provisions of this chapter. Any person who owns a dog upheld as a dangerous dog by the animal services advisory committee has the right to appeal this determination to the county superior court.
