Dangerous Dog Ordinances: Taking Action in Your Community

Brian Hanft – Environmental Health Service Manager
Kara Morel – Environmental Health Specialist
Need motivation for adopting a dangerous dog ordinance?

- This is Angel
- She was five at the time.
- She was attacked by an 18 month old black lab name "Gauge".
- This happened on a Saturday.

Authorization to use image from her parents
The aftermath of an attack

Following treatment, she would undergo facial plastic surgery to repair the scar. The mental wounds may last the rest of her life.
The very next day, “Gauge” attacked an 11 year old girl.
Bit her in the head requiring 7 stitches to the forehead.
Gauge had no rabies vaccinations.
The owner refused to euthanize the dog.
BOH attempted to euthanize animal under Code of Iowa Ch. 351.
Could not be upheld. The dog is still alive to our knowledge.
Another example – 2007

- “Buddy”
- German shepherd
- Nurse bitten while in his space
- Dog also bit a postal worker
- Dog quarantined and released due to limited authority under 351
Need for more authority

- Chapter 351 – Does address
  - Right to kill untagged dogs
  - Liability for damages
  - Rabies vaccination requirements: administration and timing
  - Enforcement – local health and LE officials
  - Owners Duty – reporting bites
  - Quarantine and Confinement: Local BOH
  - Code states: Not a limitation of power for cities and counties – can be more strict
  - Exemptions & penalties
  - Only destroy a dog if “the owner fails to confine such animal in the manner directed, animal can be apprehended and impounded by such board (of health) and after 10 days the board may humanely destroy the animal.”
No Need to Reinvent

- Following the 2013 “Gauge” cases, we recognized the need for more authority.
- Research, research, research – two months reviewing examples
  - City of Clear Lake – “Dangerous and Vicious Animals” w/ broad range of animal issues including exotics. Short and simple
  - City of Council Bluffs: Very complete and complex, cats/dogs, breeding, licensing, pitbulls prohibited, farm animals
  - City of Waterloo – AC Ordinance, droppings, livestock, wild animals
  - City of Dubuque – Licensing, illegal activity, dangerous animals, complete
  - Mills County – simple policy
  - Scott County – Barking language, ACO w/ humane society, similar dangerous/vicious language
  - Mason City – Companion animals, ACO, all things animals
For our purposes, breed didn’t matter.
We did not want an animal control ordinance because we didn’t have the staff or the resources.
Controlling dog or animal feces – NOPE
Didn’t want to deal with barking dogs or neglect issues – only due to capacity
Public protections were most important
Aggressive policy for dangerous dogs
We Made It Happen...

- Developed a draft ordinance using guides
- Legal review prior to BOH – Use private law firm
- Submitted to the CG BOH in May of 2013. Passed 5–0 in favor.
- Presented ordinance to BOS in June, 2013. passed in favor 3–0
- Had no public comments against passage. Parent’s of children bitten by Gauge did attend public hearing in support.
Since Adoption in July, 2013

- **2013–2014:**
  - 3 bite reports, 2 appeal requests and 2 hearings
  - 1 dog euthanized, 1 appeal overturned

- **2014–2015**
  - 8 reports, all determined “potentially dangerous”

- **2015–2016**
  - 20 reports, 2 determined “potentially dangerous”
  - 1 removed from county

- **2016–2017**
  - 7 reports, 4 determined “potentially dangerous”

- **2017–2018**
  - 26 reports, 3 determined “potentially dangerous”
  - 1 dog euthanized following attack on 11 year old girl

- **2017–2018**
  - 25 reports, 4 determined “potentially dangerous”
  - 1 overturned
Dog bite facts – Nationally

- 4.5 million dog bites in the U.S. per year
- 1/3 of all home insurance claims are from dog bites
- Add $686 million in liability claims
- The # of bite claims increased 2.2% from 2016 to 2017
- Cost per claim rose 11.5% to $33,230 in 2016 to $37,051 in 2017.

Source: www.dogbitelaw.com
More national statistics

- Nearly 6,000 US Postal Service workers are bitten each year.
- In 2015, more than 28,000 people had reconstructive surgery as a result of a dog bite.
- In 2014, USPS employees in Los Angeles had the highest number of USPS bites at 74. Des Moines had 11.
- Every 75 seconds in the US, 1,000 citizens need emergency care to treat dog bite injuries.
In Iowa, 85 cities and counties have dangerous dog breed ordinances.

Of the 85, bull terriers (Pitbulls) are banned or declared vicious.

Other dogs included in breed specific ordinances include Rottweiler's, American Bulldogs, Akitas, Chows, Doberman Pinschers, and Presa Canarios.
What is our procedure and how do we make it work?
FIRST....

- Call is taken by dispatch – from dog owner (not usually), victim, or by-stander

OR

- Victim presents to ER for medical attention. ER staff contacts LE to initiate report.
Law enforcement conducts investigation to collect initial case info.

May happen at the ER or at the site where incident happened.

Sometimes this happens during late evening hours or weekend when PH staff are not usually available.

LE has coverage during these hours, good for PH.

LE sends Animal Bite Report email so we have an immediate notification (next slide).

Incident report sent later when paperwork is completed by in the mean time, PH can start the process.
Simple form created in Googledocs and a link is placed on County’s intranet site.
Animal Bite Report email received at PH

From: Animal Bite Incident <quizman145@gmail.com>
Sent: Sunday, December 20, 2015 1:52 PM
To: Brian Hanft
Subject: New Animal Bite Logged

Submitted values:
Timestamp: 12/20/2015 13:51:56
Officer/Deputy Reporting: Deputy John Crom
Date/Time of Incident: 12/20/2015 12:38:00
Victim's Name: Sawyer Ridlon
Victim's Parent's Name: Christal Corcoran
Victim's Phone Number: 641 563-0401
Location of bite on victim's body: Right hand
Did the victim present to the ER for treatment?: Yes
Animal Status: Quarantined at owner's property
Notes/comments: Family dog, accidental bite. Another child was playing with the dog and the victim accidentally got nipped.
PH’s Role

- Notification received from LE – email, fax, phone call.
- Review and follow up with those involved.
  - Often visit with LE prior to get all details
  - During follow up by PH, all parties told about the process
  - Add more info to file – dog specifics, pictures
- Draft bite letter to dog owner
  - Overview of case – date, time, name and sex of dog, details
  - Ordinance violations defined
  - Expectations as stated in ordinance – admin authority has flexibility
  - Appeal process
  - Closing statement
- Certified delivery or hand delivered by Sheriff’s Office
Date

Party Name
Party Address
Mason City, IA 50401

RE: Dog Breed, Dog Name

Dear Party,

I am providing this letter to address the attack by your dog, NAME, a BREED on a VICTIM INFORMATION, LOCATION. On DATE OF BITE, "DOG NAME" bit VICTIM AND INJURY INFORMATION. I have attached a copy of the Cerro Gordo County Dangerous Dog Ordinance #56, please review the Ordinance. The Cerro Gordo County Dangerous Dog Ordinance #56, section 1.1(09) states:

1.1 Definitions:
1.1 (09) "POTENTIALLY DANGEROUS DOG" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:
A) Causing an injury to a person or domestic animal on public or private property that is less severe than a serious injury;
B) Without provocation, chases or approaches a person, a domestic animal or a wheeled conveyance upon the streets, sidewalks, or any public or private property, in an apparent attitude of attack; or has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals;

Therefore the following ordinance sections and requirements apply directly to you and your dog:

1.2 Owner Responsibility (copy provided).

1.3 Section 1.3: “Determination of a Potentially Dangerous Dog” *Edit as necessary

- Must provide proof of current vaccinations to the Cerro Gordo County Department of Public Health within 10 days following receipt of this letter.
- Must insert an identification microchip in the dog by a licensed veterinarian within 10 days following receipt of this letter. If one is
already implanted, documentation shall be provided as proof within the time specified.

- The dog, while on your property shall, at all times, be kept indoors, or in a securely fenced yard or enclosure from which the dog cannot escape, and into which children cannot trespass. The enclosure shall be enclosed on all sides with a top and a cement floor. Once completed, the enclosure shall be inspected and approved by the Administrative Authority.

- The dog must complete an obedience course at the owner’s expense within sixty (60) days after the 10 day quarantine. Documentation of course completion must be submitted to the Administrative Authority within ten (10) days of course completion. The instructor of the course must be notified as to the reason for the dog’s attendance.

- The owner of the dog must give written notice of the potentially dangerous dog determination to the United States Postal Service (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner shall provide a copy of such notice to the Administrative Authority within thirty (30) days after the dog has been released from quarantine.

- The owner of the dog shall post one or more signs on the premises at a location approved by the Administrative Authority stating that a potentially dangerous dog resides on the premises. The size, wording, color, number and placement of the signs shall be determined and provided by the Administrative Authority.

- The dog may be off the owner’s premises only if it is:
  - Muzzled in a manner that its teeth cannot touch anything outside the muzzle, and
  - Restrained by a substantial leash, not exceeding six feet in length, while the leash is held by an adult capable of restraining and controlling the dog. At no time may the dog be left unattended, even if muzzled, leashed, or tied, while off the owner’s premises.

- The owner shall immediately notify the Administrative Authority in the event the dog is
  - At large
  - Has committed an attack on any person or animal
  - Has been sold or otherwise disposed of
  - Has died

1.5 Liability for Damages (copy provided).

You have the right to appeal this decision as stated in section 1.7: “Hearings.”

In addition to the requirements set for “DOG NAME,” please note that all dogs within Cerro Gordo County must be current on vaccinations and owners must be able to produce records to prove the dogs are properly vaccinated.
In conclusion, this letter serves as notification that your dog, “DOG NAME” has been determined to be a potentially dangerous dog and shall remain quarantined for the entire 10 day period. With this designation very specific requirements must be followed as they are listed above and available for review in the attached ordinance. If the dog bites again or acts in accordance with the dangerous dog definitions, immediate euthanasia may be ordered by this department and all costs related to this action will be your responsibility. All of the above stated requirements must be completed within 30 calendar days or the dog shall be relinquished to the Pioneer Animal Hospital. If you have any questions regarding this letter, please contact me directly at 641-421-9308.

Respectfully,

[Signature]

Kara Morel, JD, CP-FS
Environmental Health Specialist I
Cerro Gordo County Department of Public Health kmorel@cghealth.com

Cc: File
Brian Hanft, Cerro Gordo County Department of Public Health
PH will make certain expectations are addressed
- Rabies are current
- Microchip is inserted by licensed veterinarian
- Enclosure requirements – fence, kennel, other
- Obedience training, muzzle, notification to utilities, notification to bite victim, etc.
- Ongoing oversight and monitoring to ensure compliance
LE and PH – Mutually Beneficial

- LE usually takes initial bite complaint call
- LE hands off initial investigation to PH for follow up and reporting
- PH processes bite case for dangerous dog determination/potentially dangerous dog
- PH can reduce paperwork/involvement for LE.
- Also assist with processing next steps.
- Two agencies provide credibility if/when case goes to appeal.
Ordinance Specifics

Definitions:
- Potentially dangerous and dangerous
- Owner responsibilities and liabilities

Updates from 2016:
- Admin authority definition changed
- Added health director as a level of appeal prior to BOH
- Changed definition of dangerous dog to include material from “potentially dangerous dog” definition
  - Causing an injury to a person or animal on public/private property.

Exceptions for dangerous dogs
Penalties, hearings, and applicability
Case in Des Moines “Pinky”

- Des Moines Ordinance was ruled too vague.
- Court found that the ordinance leaves too much discretion to official's to decide when the ordinance applies. The language was not specific enough to be used fairly.
- CGCDPH’s ordinance contains specific definition's, addresses provocation, self-defense, and we address where the attacking dog was located when the attack happened, specifically on or off of the dog owners property. All of these issues were called into question by the appeals court.
Some Issues We See Going Forward

- Dogs and their owners move from town to town, one jurisdiction to another
- Some have multiple residences in Iowa
- If dogs bite in one jurisdiction, neighboring cities and counties are unaware – Case involving Henry.
This is Henry

- Two year old mastiff/pitbull mix
- Bitten multiple times within 6 months
- Currently a “potentially dangerous dog”
- Ordered euthanasia
- Owner requested appeal – BOH overturned order (ordinance since changed)
- Owner and dog live in Clear Lake and Spirit Lake
Long Term Goals

- Statewide database to track dangerous dogs
- Use microchip system to track dogs that have histories – GIS Mapping
- Available to all agencies including the public
- Establish annual conference & continue to enhance surveillance and tracking
- Promote statewide updates to chapter 351
- More local ordinances passed
Mapping Example – GIS Integration

Dangerous Dogs in Cerro Gordo County
Animals included in this map have been deemed dangerous by the Cerro Gordo County Department of Public Health due to an animal-to-human bite. We post pictures of these animals and their addresses in order to keep our residents safe.
Minneapolis Mapping Example

Dangerous Dogs Map
The following animals have been declared dangerous in the City of Minneapolis. These pets have had an animal-to-animal bite/incident or an animal-to-human bite/incident. In order to keep our residents safe, we post pictures of these animals and their addresses.
Any interest in holding a follow up dangerous dog conference/workshop?
If so, what specific topics might be included?
Best location?
Contact Information

- Brian Hanft
  - Cerro Gordo County Department of Public Health
  - 22 N. Georgia Avenue, Suite 300
  - Mason City, Iowa 50401
  - 641-421-9340