

(Adopted October 13, 1993)

On motion by Bernie K. Day, seconded by James E. Walker and carried, the following ordinance entitled "Dangerous/Vicious Dog Ordinance" is hereby adopted, effective this day.

DANGEROUS/VICIOUS  
DOG ORDINANCE

I. Definitions:

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) Dangerous Dog: Any dog (1) which causes a wound to any person without provocation on public or private property; (2) which, while off the property of its owner, kills a domestic animal; (3) which is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; (4) which, unprovoked chases or approaches persons upon the streets, sidewalks or any public or private property other than the owner's property in a menacing fashion or apparent attitude of attack; (5) which has a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of human beings or domestic animals; or (6) which has been found dangerous by any general district court or circuit court of the commonwealth. Any dog evidencing the characteristics or conduct described in subsections (1), (2), (3), (4) or (5) above shall be a "dangerous dog" even though not found dangerous by any court.

(b) Dog: Every dog, regardless of sex or age.

(c) Owner: Every person having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his care, or who acts as a custodian of a dog, or who permits a dog to remain on or about any premises occupied by him. In the case of a minor who owns, keeps, harbors or acts as custodian of a dog, the parent or parents or other lawful guardian of such minor shall be deemed to be the owner of the dog.

d. To run at large or running at large: To roam, run or self-hunt off the property of the owner or custodian while not under owner's or custodian's immediate control.

e. Vaccinate, vaccinated or vaccination: The immunization of a dog against rabies, by a duly licensed veterinarian, whether by inoculation, vaccination or any other method or treatment approved by the director.

f. Vicious Dog: Any dog which (1) kills a person; (2) inflicts serious wound to a person, including multiple bites, disfigurement, impairment of health or impairment of any bodily function; (3) continues to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, or (4) which has been found vicious by any general district court or circuit court of the commonwealth. Any dog evidencing the characteristics or conduct described in subsections (1), (2) or (3) above shall be a "vicious dog" even though not found vicious by any court.

g. Wound: Any physical injury which results in a laceration, puncture wound or broken or fractured bone.

## II. Dangerous Dog; Vicious Dog; Penalties; Procedures:

(a) Dangerous Dog: It shall be unlawful and a Class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises or to permit or allow to run at large any dog that the owner knew or reasonably should have known to be a dangerous dog, as defined by § I (a), except in strict compliance with §III and IV of this ordinance. If after hearing evidence, the court finds any dog to be a dangerous dog, the court shall, in addition to any other penalties imposed, order the dog's owner to comply with the provisions of § III and IV. If any owner knew or reasonably should have known any dog to be a dangerous dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a Class 1 misdemeanor.

(b) Vicious Dog: It shall be unlawful and a Class 1 misdemeanor to own, keep, harbor, act as custodian of or permit to remain on or about any premises or to permit or allow to run at large any dog that the owner knew or reasonably should have known to be a vicious dog, as defined by § I (f). If, after hearing evidence, the court find any dog to be a vicious dog, the court shall, in additions to any other penalties imposed, order the animal warden to euthanize the dog. If any owner knew or reasonably should have known any dog to be a vicious dog and such dog thereafter causes a wound to any person, such owner shall be guilty of a Class 1 misdemeanor.

(c) Procedures: When a warrant has been obtained or a summons issued pursuant to this section, the animal warden may, in his discretion, confine the dog until such time as evidence shall be heard and a verdict rendered. The court may, through its contempt power, compel the owner of any dog to produce it for the animal warden. In the event any dog is found to be a dangerous dog or a vicious dog, the owner of such dog shall be responsible for payment to the County of any expenses of impounding and keeping the dog pending disposition of the case at the rate prescribed by the Patrick County Board of Supervisors.

III. Licensure of Dangerous Dog:

(a) The owner of any dog found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog license from the County treasurer by paying the fee required by §VII of this ordinance. The County treasurer shall provide the owner with a uniformly designed tag which identifies the dog as a dangerous dog. The owner shall affix the tag to the dog's collar and ensure that the dog wears collar and tag at all times. All licenses issued pursuant to this section shall be renewed annually.

(b) No dangerous dog license shall be issued until the applicant has filed with the County treasurer the insurance certificate required by § IV (3). The treasurer shall immediately forward such certificate to the county administrator for review and filing. The county administrator shall immediately notify an animal warden of any noncompliance with the provisions of this ordinance of which the county administrator becomes aware.

IV. Keeping of Dangerous Dog; Conditions:

It shall be unlawful for any owner of any dangerous dog to own, keep or harbor any such dog within the county except in compliance with each of the following conditions and specifications:

(1) Any dangerous dog shall be securely confined indoor or, if kept outdoor, shall be kept in a securely enclosed and locked pen or structure adequate to confine the dog and located upon the premises of the owner of the dog. Any such pen or structure shall have secure sides and a secure top and, if it has no bottom secured to the sides, the sides shall be imbedded into the ground no less than two (2) feet. Such pen or structure shall provide any such dog with adequate space and protection from the elements and shall be kept in a clean and sanitary condition.

(2) The owner of any dangerous dog shall display two (2) signs on his property stating "Dangerous Dog on Premises". One (1) sign shall be posted at the front of the property, and the second sign shall be posted at the rear of the property. Each sign shall be capable of being read from a distance of fifty (50) feet.

(3) The owner of any dangerous dog shall procure and maintain public liability insurance in the amount of fifty thousand dollars (\$50,000.00) insuring the owner for any injury of damage caused by such dog. The owner shall maintain a valid policy and certificate of insurance issued by the insurance carrier or agent as to the coverage required by this subsection at the premises where such dog is kept and shall, upon request, display such policy and certificate to any animal warden or police officer.

(4) The owner of any dangerous dog shall have such dog permanently identified by means of a tattoo on an inside thigh, and the owner of any dangerous dog shall provide the animal warden with a color photograph of the dog taken within the last twelve (12) months, suitable for use in identifying the dog.

(5) If any dangerous dog is taken off the property of its owner, such dog shall be muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length, and such dog shall at all times be kept under control of a responsible person. Such muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal, but such that it will not cause injury to the dog or interfere with its vision or respiration.

(6) The owner of any dangerous dog shall notify the animal warden within twenty-four (24) hours if such dog is loose or missing; if such dog has attacked or wounded a human being or another animal; or if such dog has been sold, leased, given away, died or custody has been transferred to another person for more than forty-eight (48) hours. If such dog has been sold, leased, given away or custody has been transferred, the owner shall provide the animal warden with the name, address and telephone number of the new owner, lessee or custodian who shall be required to comply with the conditions of this section if the dog is kept within the county. If the owner of a dangerous dog moves with such dog to a different address, such owner shall notify the animal warden of such fact and the new address within twenty-four (24) hours.

(7) The animal warden shall be permitted the right to inspect the enclosure in which any dangerous dog is kept at any time.

(8) In addition to the conditions and specifications established by this section with respect to dangerous dogs, the owner of any dangerous dog shall meet all other requirements established by the county for keeping any dog.

(9) The animal warden shall have the right to seize and impound the dog if any of the conditions and specifications established by this section for the keeping of a dangerous dog are not being met.

V. Violations and Penalties:

(a) It shall be a Class 1 misdemeanor for the owner of any dog which has caused a wound to any person to conceal or cause to be concealed such dog from any animal warden or police officer.

(b) Any other violation of this division shall constitute a Class 1 misdemeanor.

VI. Exceptions:

(a) No dog shall be deemed or declared to be a dangerous dog or vicious dog if the threat, wound, injury or damage was caused by any person who, at the time, was (1) assaulting the owner of the dog, (2) committing a willful trespass or tort upon the premises of the owner of the dog, or (3) provoking, tormenting, abusing or assaulting the dog or can be shown to have repeatedly provoked, tormented or abused the dog at other times.

(b) No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring or its owner's property, shall be found to be a dangerous dog or vicious dog.

(c) This division shall have no application to any dog owned by a federal, state or local law enforcement agency.

(d) No dog shall be found to be a dangerous dog or a vicious dog solely because it is a particular breed.

VII. License Fee for Dangerous Dogs:

The owner of any dog declared dangerous by any general district court or circuit court of the Commonwealth shall pay, in addition to the other license fees imposed by the county, an annual license fee in the amount of \$50.00 for each such dangerous dog.