

PROPOSED ~~VICIOUS~~ DOG ORDINANCE:

RESOLUTION: BE IT RESOLVED AND ORDAINED That the City of Shelton adopt the ~~Vicious Dogs "Gracie's Law" Ordinance as follows~~ following Ordinance:

A. **Definitions:**

~~**Animal Control Officer.** Any person employed or appointed by the City of Shelton who is authorized to investigate and enforce violations relating to animal control or cruelty under the provisions of this ordinance or state laws.~~

~~**At Large.** a dog that is not secured within an enclosure, dog cage, vehicle or building, or is not under the direct control of a person.~~

~~**Direct Control.** Immediate, continuous physical control of a dog such as by means of a leash, cord, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog.~~

~~**Enclosure.** A structure or a fence constructed of heavy gauge steel or other suitable material, with secure sides, top (if deemed necessary), and bottom, at least five feet by ten feet, suitable to prevent the entry of children and suitable to confine a dog and to prevent the dog from escaping.~~

~~**Impoundment.** The taking or picking up and confining of a dog by any Police Officer or Animal Control Officer.~~

~~**Keeper.** Any person or other legal entity, other than the dog owner, harboring or having responsibility, possession or control of the dog.~~

~~**Muzzle.** A device, as straps or metal, that can be safely and securely fastened over a mouth of a dog to prevent the dog from biting any person or other animal.~~

Owner. Any person or other legal entity owning a dog or, in the case of a person under the age of 18, the person's parent or legal guardian.

Severe Injury. Any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

B. (i) **Nuisance.** Any dog which has been declared vicious by the Animal Control Officer or by the Chief of Police shall be deemed a nuisance and shall be regulated and controlled in accord with this ordinance. This ordinance shall apply to any dog that enters the territorial jurisdiction of the City of Shelton, regardless of the residence of the dog or its owner or keeper.

(ii) **Determination of viciousness:**

1. If the Animal Control Officer has reasonable cause to believe that a dog is vicious, the Animal Control Officer shall conduct an investigation into the conduct and propensities of the dog. The Animal Control Officer may consider, without limitation, provocation, the severity of the attack or injury to a person, domestic animal or pet, previous aggressive history of the dog, observable behavior of the dog, the site and circumstances of the incident and statements from interested parties.

2. The Animal Control Officer shall declare a dog to be vicious only if any one of the following criteria is met.

- a. Any dog which has severely injured or killed a domestic animal or pet while off its owner's or keeper's property.
- b. Any dog which inflicts severe injury in an attack upon a human being, another dog or domestic animal without provocation on any public or private property.
- c. Any dog which has been used primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting and continues to exhibit signs of aggressiveness.

3. The Animal Control Officer shall not declare a dog to be vicious if any of the following criteria is met:

- a. If any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or such person was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.
- b. If any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, assaulting or invading the premises occupied by the owner or keeper of the dog.
- c. If the dog was protecting or defending the premises occupied by the owner or keeper of the dog, or was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

(iii) **Regulation and control of vicious dogs.** If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer may issue ~~any of the any order following orders for the disposition of the dog or for the controlled retention of the dog and the protection of the public:~~ concerning the restraint or disposition of such

dog in order to protect the public health and safety of the inhabitants of the City.

~~1. Where a dog's history includes the infliction of a severe injury in
_____ attack upon a human, that the dog be euthanized in an expeditious
_____ and humane manner, provided that no euthanization shall take
_____ place until after the appeal period expires, unless the owner
_____ consents. In no case will the dog be euthanized without prior
_____ notification to the owner. The owner or keeper of the dog shall
_____ pay all costs and expenses necessitated by the seizure of the dog,
_____ including such expenses as may be required for the euthanization
_____ of the dog.~~

~~2. That the owner or keeper shall remove the dog permanently from
_____ the owner's or keeper's premises and from any other location
_____ within the City of Shelton within the specified time frame as
_____ directed by the Animal Control Officer.~~

~~3. That the vicious dog be licensed and registered according to the
_____ laws and ordinance of the City of Shelton and the State of
_____ Connecticut.~~

~~4. That the owner or the keeper shall present to the Animal
_____ Control Officer proof that the owner or keeper has procured
_____ liability insurance in the amount of at least \$100,000.00 covering
_____ any damage or injury which may be caused by such vicious dog,
_____ and produce for the Animal Control Officer a copy of the policy
_____ declaration document identifying the insurance policy and its
_____ terms. The insurance policy must provide that notice of
_____ cancellation, termination or expiration of the liability insurance
_____ policy must be sent to the Animal Control Officer. The owner
_____ or keep shall maintain and not voluntarily cancel the liability
_____ insurance unless the owner or keep shall cease to own or keep
_____ a vicious dog. Cancellation of the insurance policy for failure
_____ to pay the insurance premium shall be considered a voluntary
_____ cancellation and a violation of this subsection.~~

~~5. That the owner or keeper shall, at his/her own expense, have
_____ the licensing number assigned to such vicious dog tattooed or
_____ electronically chipped upon such vicious dog by a licensed
_____ veterinarian, in a location and manner acceptable to the Animal
_____ Control Officer. The number shall be noted in the Animal
_____ Control Officer's file for such vicious dog, if it is different from
_____ the licensing number when the vicious dog is registered in
_____ subsequent years.~~

~~6. That the owner or keep shall display a sign on his/her property~~

~~warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the street, road highway, whether public or private, which abuts said premises.~~

~~7. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such a building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen doors are the only obstacle preventing the dog from exiting the structure.~~

~~8. That the owner or keeper of a vicious dog shall provide a certificate to the Animal Control Officer from a licensed veterinarian that the dog has been spayed or neutered, and that the owner or keeper of said vicious dog shall be responsible for the cost of the spaying or neutering.~~

~~9. That the owner or keep shall have an enclosure for the vicious dog on the property where the vicious dog is primarily kept or maintained. All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have an enclosure. Proper shelter, ventilation, food, water and sanitary conditions shall be provided by the owner or keeper.~~

~~10. That the owner or keeper of a vicious dog shall not permit the dog to be outside the enclosure unless the dog is safely secured within a dog case, vehicle or building, or unless the dog is securely muzzled and restrained with a chain, leash or lead with a minimum tensile strength of 300 pounds, not exceeding three feet in length, under the direct control of a person capable of restraining the dog. The muzzle shall be made in such a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting a person or another animal.~~

~~11. That the owner or keeper of a vicious dog shall notify the Animal Control Officer or the Police Department immediately if a vicious dog is at large, or on the loose, or has attacked a human being or another animal.~~

~~12. One week prior to being sold or given away, the owner or keeper shall provide the Animal Control Officer with the name, address and telephone number of the new owner or keeper of the vicious dog.~~

~~13. That the owner or keeper comply with such other conditions and~~

~~requirements the Animal Control Officer determines to be reasonable for the restraint of the dog or the protection of the public. Animal Control Officer shall have the right to continue to monitor the compliance with these regulations.~~

(iv) **Decision and notice.**

1. If the Animal Control Officer determines a dog to be vicious, the Animal Control Officer shall notify the dog owner or keeper of any orders or special conditions for the regulation and control of the dog. Initial notification may be provided verbally. Within five days after declaring a dog vicious, the Animal Control Officer shall notify the dog owner or keeper, in writing, of the determination and of any orders of the Animal Control Officer regarding disposition of the dog. Such written notice shall be given either by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate.
2. The Animal Control Officer shall immediately impound the dog until the orders, special restrictions or conditions are satisfied. The dog owner or keeper shall pay all costs of impoundment. In the event the owner or keeper of the dog refuses to surrender the dog for impoundment, the Animal Control Officer or a Police Officer may obtain a search warrant and seize the dog upon execution of the warrant.

(v) **Appeals.**

1. This ordinance shall not limit or exclude any enforcement powers or authority that the Animal Control Officer has under the Connecticut General Statutes. If any orders of the Animal Control Officer are issued and based upon a finding that a dog has bitten a human being, then any appeal of such orders shall be taken pursuant to Connecticut General Statutes, Section 22-358, as the same may be amended from time to time.

2. If any orders of the Animal Control Officer are issued and based upon a finding of viciousness not involving a bite upon a human being, then the determination and orders of the Animal Control Officer may be appealed to the Animal Control Board (hereinafter referred to as the "BOARD") by the owner or keeper of the dog within fifteen days of receiving written notice of the determination and orders.

The determination and orders of the Animal Control Officer shall remain in effect pending the appeal. The BOARD shall convene a hearing for the purpose of determining, de novo, whether the dog in question should be declared vicious.

The BOARD shall notify the owner or keeper of the dog by certified mail, or by personal delivery through the Animal Control Officer or his/her delegate that a hearing will be held, at which time the owner or keeper may have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly, within no fewer than five nor more than ten days, excluding holidays, after service of notice upon owner or keeper of the dog.

The BOARD shall conduct the hearing in the order and form and with such methods of proof as the BOARD deems fair and appropriate. The hearing shall be open to the public. The BOARD shall consider the factors set forth in Subsection B, Determination of Viciousness. If the BOARD determines the dog to be vicious, the BOARD may issue, affirm or modify any orders of the Animal Control Officer.

3. Within five days after declaring a dog vicious, the BOARD shall notify the dog owner or keeper, in writing, of the determination and of any orders regarding disposition of the dog, or the special restrictions and conditions for keeping the dog. Such written notice shall be through certified mail or by personal delivery through the BOARD or his/her delegate.

4. The BOARD shall consist of a licensed veterinarian, the Chief of Police and a person trained and experienced in dog behavior and temperament evaluation.

5. Appointments to the BOARD shall be made by the Mayor and approved by the Board of Aldermen.

(vi) Violations and penalties. Any person violating any order of the Animal Control Officer relating to any vicious dog shall be fined \$250.00 for each offense, and, in addition, the Animal Control Officer may immediately impound the vicious dog and each day that said person remains in violation shall be a separate violation. The impounded dog shall not be released until the dog owner or keeper complies with all orders of the Animal Control Officer. The dog owner or keeper shall pay all costs of impoundment. The penalties set forth herein shall not be in lieu of or limit the authority of the Animal Control Officer to take other action authorized by the State of Connecticut.

(vii) Exceptions. The provisions of this ordinance shall not apply to dogs utilized by law enforcement officers in the performance of their duties.