

# **Code of Ordinances Dangerous Dogs Amendments Discussion**

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Keller Police Department  
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# State Law vs City Ordinance

- *HSC 822.041* - Dangerous Dog - Makes an unprovoked attack on a **person** that causes bodily injury....
  - Under state law, when a dog bites another dog, it is not a violation. It cannot be designated as a dangerous dog unless it *'makes an unprovoked attack on a person.'*
- *Keller CO 3-100* - Dangerous Animal - Makes an unprovoked attack on a **person or animal** that causes bodily injury....
  - Our city ordinance broadens the definition of dangerous animals to *'making an unprovoked attack on a person or animal.'*

# City Ordinance – Example

- The intent of broadening the definition in our city ordinance previously was to include an attack on an animal.
- This was demonstrated in a recent incident where a large 85 lb pit bull broke out of a fence (enclosure)
- Attacked and killed a small, 10 lb miniature poodle.
- The large dog also knocked the small dog's female owner to the ground, which resulted in abrasions and bruising.
- This unprovoked attack on an animal was exactly when a dangerous dog should be designated with appropriate restrictions.

# City Ordinance – Example

- Recent incident on Sunday February 20, 2022 at the dog park.
- Through this investigation, several areas within our ordinance were identified to need revision for clarity:
  - **Dangerous Dog definition:** Further clarification surrounding the term ‘enclosure’
  - **Determination Procedures:** Clarifying the process for reporting and making a determination of a dangerous dog to reflect practice.
    - Ensuring our ordinance requirements are consistent with the state statutes.
  - **Authority to impound:** Seizure and warrant requirement.

# Proposed Amendments

## Dangerous Dog Definition:

- Unprovoked **attack** on a **person** that causes bodily injury in a place other than a **private** enclosure (includes shelter, kennel & dog park).
- Unprovoked **acts** towards a **person** in a place other than a **private** enclosure and those acts cause that person to reasonably believe that the animal will attack and cause bodily injury to that person (includes shelter, kennel, & dog park).
- Unprovoked **attack** on a **domesticated animal** that causes bodily injury to the animal and occurs in a place other than a **private enclosure, commercial kennel, animal shelter, or city-designated dog park.**

# Additional

- Taking dogs to a dog park, kennel, daycare, or similar location where dogs are allowed to be off leash around other dogs they do not know, provides an unpredictable environment where there is a likelihood of a dog biting another dog.
- Citizens who utilize the dog park do so at their own risk.
- Our ordinance is intended to protect the environment where animals are not in enclosures and are on leash as required.

# Proposed Amendments

## Determination:

Current ordinance requires a complainant to file a sworn complaint with the municipal court and then Animal Services will make the determination as to whether the dog is dangerous.

- The ordinance is not clear or consistent with the established practice
- The new ordinance clarifies the process consistent with practice
  - a written sworn statement must be submitted to the animal control authority
  - the animal control authority is authorized to investigate the incident to determine if the dog is a dangerous dog.
  - If a dog is found to be dangerous, the animal control authority shall notify the owner of the determination.
  - A owner may appeal the determination of the animal control authority to the municipal court.

# Proposed Amendments

## Authority to Impound:

- The animal control authority is authorized to seize a dangerous dog.
- If the owner refuses to voluntarily surrender the dog upon request, the municipal court is authorized to issue a warrant for such seizure, not a sworn complaint.
- Provides animal control the authority to impound a dog during the appeal or until compliance is reached.





**Questions?**

**Chief Brad G. Fortune**

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