

Sensible solutions for dangerous dogs.

17. Determination of a potentially dangerous dog.

Liability & exceptions.

Section 7.

(a) After an investigation, which must be initiated within [xx number] days after the situation becomes known to the Animal Control Authority, the Authority or his/her designee is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in the definition above and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after the completion of the investigation.

2. Following notice to the owner, if the Authority or his/her designee has probable cause to believe that a dog is a potentially dangerous dog and may pose a threat to public safety, the Authority or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of a "dangerous dog".

Liability.

3. Upon notice, the owner may, within [xx number] business days after a determination that a dog is a potentially dangerous dog, bring a petition in this jurisdiction seeking review of the determination.

A decision by this jurisdiction overturning the Authority or his/her designee's determination shall not affect the Authority or his/her designee's right to later declare a dog to be a potentially dangerous dog or a dangerous dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

4. After an investigation, which must be initiated within [xx number] days after the situation becomes known to the Animal Control Authority, the Authority or his/her designee is authorized to make a determination whether a dog is dangerous.

This based on the factors listed in Section 1 and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status within five (5) days after completing the

investigation.

1. Following notice to the owner and prior to the hearing, if the Authority or his/her designee has probable cause and believes the dog to be a dangerous dog and that the animal poses an imminent threat to public safety, the Authority or his/her designee may obtain a search warrant pursuant to this jurisdiction's Rules of Civil Procedure and impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements of Section 7.

The owner of the dog shall be liable to this jurisdiction for the costs and expenses of keeping the dog if the dog is determined to be a dangerous dog.

2. The owner may, within [xx number] business days after a determination that a dog is a dangerous dog.

Dangerous dog, bring a petition in this jurisdiction seeking review of the determination.

A decision by this jurisdiction overturning the Authority or his/her designee's determination shall not affect the Authority right to later declare a dog to be a dangerous dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

Exceptions.

No dog shall be declared a dangerous or potentially dangerous dog if.

1. The dog is currently used by a law enforcement official for legitimate law enforcement purposes;

The threat, injury, or damage was sustained by a person.

a. Who committed, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog.

b. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

c. Who was committing or attempting to commit a crime; or

The dog was:

1. Responding to pain or injury, or was protecting itself, its offspring; or

2. Protecting or defending a human being within the immediate

vicinity of the dog from an attack or assault.

That's it – Gawie Manjaro – MK.

