

11, including rules or regulations adopted by reference or resolution authorized by this Chapter, is guilty of a misdemeanor.

Dangerous Dogs

11.900 Purpose and Intent.

The purposes of this ordinance are to promote the public health, safety and general welfare of the citizens of the City of Lovelock. It is intended to be applicable to “dangerous” dogs, as defined herein, and to regulate dogs that are commonly referred to as “pit bulls,” as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance. (Ord. .No. 234)

11.905 Definitions.

When used in this ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. *Animal control officer* means any person employed or appointed by the City, including all sworn law enforcement personnel, who is authorized to investigate and enforce violations relating to animal control or cruelty to animals.

2. *At large* means a dog is not under the direct control of the owner.

3. *Dangerous dog* means any dog that, because of its aggressive nature, training or characteristic behavior presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term “dangerous dog” includes any dog that according to the records of either the City Animal Shelter or any law enforcement agency:

- (a) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above-referenced authorities;
- (b) Has more than once severely injured or killed a domestic animal while off the owner’s property; or,
- (c) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

4. *Day* means a calendar day, unless the term “business day” is specifically used. If the day of an event falls on a Saturday, Sunday or legal holiday, the next business day shall be the day for the event.

5. *Direct control* means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in the training or in an official showing, obedience or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to

government police dogs.

6. *Director* means the City Chief of Police.

7. *Impoundment* means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this ordinance.

8. *Muzzle* means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting a person or other animal.

- (a) *Pitt bull dog* means and includes any of the following dogs:
- (b) The Staffordshire Bull Terrier breed of dogs;
- (c) The American Staffordshire Terrier breed of dogs;
- (d) The American Pit Bull Terrier breed of dogs; and,
- (e) Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

9. *Owner* means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18) years, that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

10. *Sanitary condition* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

11. *Under restraint* means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(Ord. No. 234)

11.910 Procedure for Declaring a Dog Dangerous.

1. An animal control officer or any adult person may request that a dog be classified as dangerous as defined in LMC Chapter 11.905 by submitting a sworn, written complaint on a form approved by the City. Upon receipt of such complaint, the owner of the dog shall be notified that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

2. At the conclusion of an investigation, the Director or his designee may:

- (a) Determine that the dog is not dangerous and, and if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or,
- (b) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in LMC Chapter 11.930, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) calendar days after a final determination that a dog is dangerous, the Director or his designee may cause the dog to be humanely destroyed.

(Ord. No. 234)

11.915 Notification of Dangerous Dog Declaration.

1. Within five (5) calendar days after declaring a dog dangerous, the owner shall be notified either in person or by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in LMC Chapter 11.930. The City Clerk and the City Police Department shall also be notified of the designation of any dog as a dangerous dog. Such notification shall describe the dog and specify any particular requirements or conditions placed upon the dog owner.

2. The notice shall inform the dog owner that he may request, in writing, a hearing to contest the dangerous dog finding and designation within five (5) calendar days after issuance of the dangerous dog declaration notice.

3. If the owner of a dog that has been seized pursuant to this ordinance cannot with due diligence be located, the Director or his designee shall cause the dog to be impounded for not less than five (5) calendar days. If after the five (5) day period the owner fails to claim the dog, the Director or his designee may cause the dog to be humanely destroyed.

(Ord. No. 234)

11.920 Hearing on Dangerous Dog Declaration.

1. The Director or his designee shall hold a hearing within fifteen (15) calendar days after receiving the dog owner's written request for such a hearing. Notice of the date, time and location of the hearing to the dog owner shall be served personally or by certified mail and to the complainant by regular mail.

2. At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this Section shall include but not be limited to the following:

- (a) Provocation;
- (b) Severity of attack or injury to a person or domestic animal;
- (c) Previous aggressive history of the dog;
- (d) Observable behavior of the dog;
- (e) Site and circumstances of the incident; and,
- (f) Statements from interested parties.

3. A determination at a hearing that the dog is in fact a dangerous dog as defined in LMC Chapter 11.905 shall subject the dog and its owner to the provisions of this ordinance.

4. Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this ordinance.

(Ord. No. 234)

11.925 Appeal from Dangerous Dog Declaration.

If it is determined that a dog is dangerous at the conclusion of a hearing conducted under LMC Chapter 11.920, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) calendar days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the determination of dangerousness.

(Ord. No. 234)

11.930 Keeping of Dangerous Dogs.

The keeping of a dangerous dog as defined in LMC Chapter 11.905 shall be subject to the following requirements:

- 1. Leash. No person having charge, custody, control or possession of a dangerous dog

shall allow the dog to exit its kennel, pen or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless the person capable of controlling the dog is in physical control of the leash.

2. Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

3. Confinement. Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

(a) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;

(b) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and,

(c) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own. If the material is wire mesh, the wire shall not be less than nine (9) gauge diameter.

4. Indoor Confinement. No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

5. Signs. All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."

6. Liability Insurance/Surety Bond. The owner of a dangerous dog shall present to the City Clerk proof that he has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period. In the event that the owner proves to the satisfaction of the City Clerk that insurance is not available, he may pay a non-refundable cash fee in the amount of one thousand dollars (\$1,000) to the City.

7. Animals Born of Registered Dogs. All offspring born of dangerous dogs registered with the City Police Department also must be registered with the Department within six (6) weeks of birth.

8. Notification of Escape. The owner or keeper of a dangerous dog shall notify the City Police Department immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

9. Failure to Comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the City Police Department to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal. (Ord. No. 234)

11.935 Permit and Tag Required for a Dangerous Dog.

1. The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the City Police Department to harbor the dog. The fee for such permit shall be TWENTY-FIVE DOLLARS (\$25.00) per year.

2. At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

3. The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand. (Ord. No. 234)

11.940 Notification of Intent to Impound.

1. When the Director or his designee intends to impound a dog declared to be dangerous for violation of LMC Chapter 11.930 he shall notify the owner or custodian of the dog, either by personal service or by certified mail, of the intended impoundment at least five (5) calendar days prior to the intended impoundment, except as proved in LMC Chapter 11.945.

2. The notice of intent to impound shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the intended impoundment and finding of violation within five (5) calendar days after personal service or the mailing of the notice of intended impoundment.

3. Upon request by the owner or custodian of the dog for a hearing pursuant to subsection B., a hearing shall be held within ten (10) calendar days after the request for a hearing. Notice of date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting such hearing.

4. If the owner or custodian requests a hearing pursuant to subsection B., no impoundment shall take place until conclusion of the hearing, except as authorized in LMC Chapter 11.945. (Ord. No. 234)

11.945 Immediate Impoundment.

1. A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the Director or his designee determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of LMC Chapter 11.930 or when the dog bites a person or domestic animal.

2. The owner or custodian of the dog immediately impounded pursuant to subsection A. shall be notified of the impoundment by personal service or certified mail within five (5) calendar days after the dog's impoundment.
3. The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) calendar days after personal service or the mailing of the notice of impoundment.
4. Upon request by the owner or custodian of the dog for a hearing under subsection C., a hearing shall be held within ten (10) calendar days after such request. Notice of the date, time and location of the hearing shall be provided by personal service or certified mail to the dog's owner or custodian requesting the hearing. (Ord. No. 234)

11.950 Impoundment Hearing.

1. If after a hearing on impoundment, the Director or his designee finds no violation of LMC Chapter 11.930 or that the dog has not bitten an individual or domestic animal, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.
2. Incident to the findings and conclusions made at the impoundment hearing, the Director or his designee may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public, other domestic animals and the animal. Such conditions may include, but shall not be limited to:
 - (a) Posting of bond or other proof of ability to respond in damages;
 - (b) Specific requirements as to size, construction and design of a kennel in which to house the dog;
 - (c) Requirements as to type and method of restraint and/or muzzling of the dog;
 - (d) Photo identification or permanent marking of the dog for purposes of identification; and,
 - (e) Payment of reasonable fees to recover the costs incurred by the City in ensuring compliance with this ordinance. (Ord. No. 234)

11.955 Destruction.

1. The Director or his designee may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
2. Written notice shall be given by personal service or certified mail of the intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) calendar days after delivery of such notice, a hearing to contest the intended destruction.
3. If no hearing is requested pursuant to subsection B., the dog shall be destroyed pursuant to applicable provisions of law.
4. If a hearing is requested pursuant to subsection B., such hearing shall be held within ten (10) calendar days after the request; and, the dog shall not be destroyed prior to the conclusion of the hearing.
5. The dog owner shall be responsible for payment of all boarding costs and other fees as

may be required for the City to humanely and safely keep the animal during any legal proceeding. (Ord. No. 234)

11.960 Appeal from Order of Humane Destruction.

If the Director or his designee orders a dangerous dog to be humanely destroyed pursuant to LMC Chapter 11.955, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within fifteen (15) calendar days after receiving notice of the destruction order. If an appeal is timely filed, the Director or his designee shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the destruction order. (Ord. No. 234)

11.965 Change of Ownership.

1. Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) calendar days after such change of ownership or residence, provide written notification to the City Police Department of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the City Police Department along with written acknowledgment by the new owner of his receipt of such notification. The Director or his designee shall notify the City Clerk and the Police Department of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous dog owner.

2. Any person receiving a dog classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous dog. (Ord. No. 234)

11.970 Pit Bull Dogs Presumed Dangerous.

There shall be an irrefutable presumption that any dog registered with the City as a pit bull dog is a dangerous dog and is therefore subject to the requirements of this ordinance. (Ord. No. 234)

11.975 Continuation of Dangerous Dog Declaration.

Any dog that has been declared dangerous by any agency or department of the City, another municipality, county or state shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county or state government shall notify the City Police Department of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City. The restrictions and conditions of maintenance of any dog declared dangerous by the City, another municipality, county or state shall remain in force while the dog remains in the City.

11.17 Repeal. Lovelock Municipal Code Chapter 11.510 is repealed. (Ord. No. 234)