

Chapter 506. Dangerous and Vicious Animals
Adopted July 21, 2008

506.01 KEEPING DANGEROUS OR VICIOUS ANIMALS.

No person shall keep, harbor or own any dangerous or vicious animal within the City of Lakewood, or permit any dangerous animal to be kept within the City of Lakewood, except in accordance with the provisions in Section 506.04.

506.02 DANGEROUS ANIMALS AND VICIOUS ANIMALS DEFINED.

- (a) An animal is deemed to be a dangerous animal when:
- (1) It has, without provocation, caused serious injury to a human being or domestic animal; or
 - (2) It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal; or
 - (3) It has been designated to be a dangerous animal after a hearing by the Director of Public Safety or his or her designee; and
 - (4) The public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal.
- (b) An animal is deemed to be a vicious animal when:
- (1) It has, without provocation, caused serious injury to a human being or domestic animal; or
 - (2) It has a known propensity, tendency or disposition, without provocation, to cause serious injury to a human being or domestic animal; or
 - (3) It has been designated to be a vicious animal after a hearing by the Director of Public Safety or his or her designee; and
 - (4) The public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal.

506.03 PIT BULL DOGS OR CANARY DOGS.

(a) All pit bull dogs and canary dogs (Perro de PresaCanario) are deemed to be dangerous animals even in the absence of a hearing by the Director of Public Safety or his or her designee.

(b) As used in this section, "pit bull dog" means any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog; any dog of mixed breed which has the appearance and characteristics of being predominantly of such breeds; any dog commonly known as a pit bull, pit bull dog or pit bull terrier; or a combination of any of these breeds.

(c) As used in this section "canary dogs" or "Perro de PresaCanario Dogs" also include any dog of mixed breed which has the appearance and characteristics of being predominantly of such breed.

(d) In the event of a dispute as to whether or not a dog is a pit bull dog, a canary dog, or some other breed, the Director of Public Safety or his or her designee shall make the determination with or without a hearing, and the burden of proof that such dog is not a pit bull dog or canary dog shall be upon the owner or custodian.

506.04 EXCEPTION, REGISTRATION AND FEE.

(a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this ordinance who intends to keep such dangerous animal within the City of Lakewood shall have 90 days, from the effective date of this ordinance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be \$50.00. Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the City of Lakewood if the owner fails to show proof annually of compliance with the following conditions:

- (1) That the dangerous animal has been implanted with a microchip or similar device approved by the Director of Public Safety, for purposes of identification. Such information contained on the device shall be maintained in a database by the Division of Animal Control along with a photograph of the dangerous animal;
- (2) That the dangerous animal has been spayed or neutered;
- (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000), because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration.

(b) The following terms, conditions and restrictions shall apply to the handling of a dangerous animal registered pursuant to this Section:

- (1) The dangerous animal, while on the premises of its owner or custodian, shall be confined indoors or in a securely enclosed pen or "dog run" area which shall have sides six feet high and a secure top, and its bottom secured to its sides or imbedded at least one foot into the ground;

- (2) The dangerous animal, while off the premises of its owner or custodian, shall be securely muzzled, leashed with a chain not longer than three feet having tensile strength of not less than 300 pounds, and under the control of a person eighteen years of age or older who is physically capable of restraining the animal;
- (3) Any government or utility company employee and anyone else who comes on the property, with implied consent or peaceably and lawfully, shall immediately be informed of the animal's dangerousness.

(c) The owner of a dangerous animal shall immediately notify the Director of Public Safety or his or her designee of the change of any information contained in the registration of the dangerous animal including but not limited to a change in the address where the animal is kept and if the animal has been removed from the City of Lakewood.

(d) Registration of the dangerous animal shall be revoked and such animal shall immediately be removed from the City of Lakewood, and cannot be returned under these exceptions, upon any of the following:

- (1) The dangerous animal bites any person or any other animal;
- (2) Failure to comply with any provision of this Chapter;
- (3) Removal of the dangerous animal for more than seven calendar days from the City of Lakewood except for a reasonable period to permit boarding where the owner is unavailable to care for the animal, where the owner elects to travel with the animal in lieu of boarding, or when seeking medical attention by a licensed veterinarian for the animal;
- (4) The owner provides false information for purposes of registration or fails to properly renew registration including the provision of information required in 506.04(a) and 506.04(c) above;

An order to remove a dangerous animal shall be issued by the Director of Public safety or his or her designee upon conviction of a violation of this Chapter by a court of competent jurisdiction or by a finding that any circumstance in 506.04(d) has occurred by the Director of Public Safety or his or her designee after a hearing.

(e) Notwithstanding the provisions of Section 506.01, any owner of a dangerous animal except for those defined in Section 506.03 may keep such dangerous animal within the City of Lakewood after 90 days from the effective date of this ordinance, provided that the owner adheres to all lawful orders of Director of Public Safety or his or her designee which are deemed necessary to ensure the safety of the public, including but not limited to any precautions identified in Section 506.04(a) and (b).

506.05 KEEPING OR TRAINING ANIMALS FOR FIGHTING.

No person shall keep, harbor or own any animal for the purpose of fighting, or train any animal for the purpose of causing or encouraging such animal to make unprovoked attacks, cause injury or otherwise threaten the safety of human beings or domestic animals.

506.06 SELLING, BREEDING OR BUYING DANGEROUS OR VICIOUS ANIMALS.

No person shall possess a dangerous or vicious animal with intent to sell, offer for sale, breed, buy or attempt to buy such animal.

506.07 IMPOUNDMENT.

(a) Any Animal Control Officer, police officer or health officer shall have the authority but not the duty to summarily and immediately impound any animal which has attacked, bitten or otherwise injured any human being or domestic animal, or which has a known propensity, tendency or disposition, without provocation, to attack, cause injury or otherwise threaten the safety of human beings or domestic animals.

(b) When damage is imminent, any such officer may enter and inspect private property to enforce this chapter.

(c) Any person keeping or harboring an animal sought to be impounded shall surrender such animal to a police officer or health officer upon demand.

(d) If an animal cannot be safely taken up and impounded, it may be slain forthwith by a police officer.

506.08 ALTERNATIVE CONFINEMENT.

(a) In lieu of an animal being impounded, the Animal Control Officer may direct that the animal be confined at the owner's or custodian's expense, either in an approved veterinary facility, at the owner's or custodian's residence or outside the City. In such case, the owner or custodian shall not remove the animal from the veterinary facility or residence or bring the animal into the City without the prior written approval of the Animal Control Officer, and shall make the animal available for observation and inspection by police officers and health officers of the City, including the Animal Control Officer.

(b) The Animal Control Officer may have such impounded or confined animal permanently identified by photo and other identification.

506.09 HEARING BY DIRECTOR OF PUBLIC SAFETY; NOTICE.

Within ten business days of an animal being impounded or confined, the Director of Public Safety or his or her designee shall conduct a hearing to determine whether or not the animal is a dangerous animal or a vicious animal. The City shall make residential service of notice of the time, place and purpose of the hearing, at least three days before the hearing, upon the owner or custodian of the animal, any person requesting notice and any person known to have relevant knowledge or information regarding the animal.

506.10 EVIDENCE.

(a) The Director of Public Safety or his or her designee may hear and consider relevant evidence offered by any person desiring to provide such evidence at a hearing to determine whether or not an impounded or confined animal is a dangerous animal or a vicious animal.

(b) In making a determination as to whether or not such animal is a dangerous animal or a vicious animal, the following evidence may be considered:

- (1) Any previous history of the animal attacking, biting or causing injury to human beings or domestic animals;
- (2) The nature and extent of all injuries inflicted and the number of victims involved;
- (3) The place where the bite, attack or injury occurred;
- (4) The presence or absence of any provocation for the bite, attack or injury;
- (5) The extent to which clothing or other property was damaged or destroyed;
- (6) Whether or not the animal exhibits any characteristic of being trained for fighting or attack, or other evidence to show such training or fighting;
- 7) Whether the animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or domestic animals;
- (8) The manner in which the animal has been trained, handled and maintained by its owner or custodian;
- (9) Any other relevant evidence concerning the animal; and
- (10) Any other relevant evidence regarding the ability of the owner or custodian or the City to protect the public safety if the animal is permitted to remain in the City.

(c) Within three business days of such hearing, the Director of Public Safety or his or her designee shall issue a written decision based upon all of the facts known to the Animal Control Officer.

506.11 DECISION OF THE DIRECTOR OF PUBLIC SAFETY.

(a) If the Director of Public Safety or his or her designee finds that the animal represents a continuing threat of serious harm to human beings or domestic animals, but that the public safety can be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Public Safety or his or her designee shall designate the animal to be a dangerous animal.

(b) If the Director of Public Safety or his or her designee finds that the animal represents a continued threat of serious harm to human beings or domestic animals, and that the public safety cannot be protected by the owner or custodian of the animal exercising reasonable control over the animal, the decision of the Director of Public Safety or his or her designee shall designate the animal to be a vicious animal.

(c) If the Director of Public Safety or his or her designee finds that the animal does not represent a continued threat of serious harm to human beings or domestic animals, the decision of the Director of Public Safety or his or her designee shall make no designation of the animal, and such animal shall be released to its owner or custodian. Such determination shall in no manner alter whether such animal may thereafter be deemed to be a dangerous animal or a vicious animal under Section 506.04.

506.12 DISPOSITION OF VICIOUS ANIMALS.

(a) Any animal designated by the Director of Public Safety or his or her designee, after a hearing, to be a vicious animal, if not already impounded by the City, shall be immediately surrendered to the Director of Public Safety or his or her designee, Animal Control Officer or a police officer.

(b) Any animal declared by the Director of Public Safety or his or her designee, after a hearing, to be a vicious animal shall be humanely destroyed.

(c) The Director of Public Safety or his or her designee shall issue an order authorizing the destruction of the vicious animal to take place not earlier than five days following the written decision by the Director of Public Safety or his or her designee designating the animal to be a vicious animal. If the owner or custodian of the vicious animal, within such period, files a notice of appeal of the Director of Public Safety or his or her designee's decision with a court of competent jurisdiction, serves the Director of Public Safety or his or her designee with a copy of the notice of appeal and removes the animal from the City pending such appeal, the City shall stay the order of destruction, pending the appeal.

506.13 DISPOSITION OF DANGEROUS ANIMALS.

(a) Unless the Director of Public Safety or his or her designee, after a hearing, issues an order in accordance with the provisions of Section 506.04(e), he or she shall issue an order for the owner or custodian to remove any dangerous animal from the City within seven (7) calendar days after a hearing.

(b) If the owner or custodian of the dangerous animal files a notice of appeal of the Director of Public Safety or his or her designee's decision with a court of competent jurisdiction, the order of the Director of Public Safety or his or her designee to remove the dangerous animal from the City or to impose reasonable terms, conditions and restrictions which the Director of Public Safety or his or her designee deems are necessary to protect the public health, safety and welfare shall not be stayed pending the appeal.

(c) If the owner or custodian of an impounded or confined dangerous animal wishes to reclaim and remove it from the City, the Director of Public Safety or his or her designee shall release it, provided that the animal is taken to its new location outside the City immediately and directly upon its release. No person to whom such animal is released shall fail to remove the animal immediately and directly from the City.

506.14 POLICE DOGS.

The terms "dangerous animal" and "vicious animal," as used in this chapter, do not include police dogs that have been trained and may be used to assist law enforcement officers in the performance of their official duties.

506.99 PENALTY.

(a) Whoever violates Sections 506.01, 506.05 or 506.6 shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates section 506.04, 506.07, 506.08, 506.12 or 506.13 shall be guilty of a misdemeanor of the third degree.