

BILL SUMMARY

BILL NO: 2009-88

SPONSOR: Councilwoman Carroll

SUBJECT: Amending Code by defining "provocation" of animals, and clarifying the appeals process

DATE INTRODUCED: October 19, 2009

Summary:

1. Adds Code definition for term "provocation" of an animal by stipulating that an animal will be considered "provoked" if the animal bites a person as a reaction to a person over five (5) years of age causing the animal pain or attempting to do so. An animal will not be considered "provoked" if the person bitten caused the dog pain because the person defending himself/herself from an attack by the animal.
2. Sets out the right to an administrative appeal of a decision by code enforcement officers that a dog previously declared vicious whose owner is not keeping the animal in compliance with section 5-17.

Background Information: The definition of a vicious animal includes an animal which bites a person without provocation. The term provocation is not defined. A recent administrative hearing demonstrated the need to define provocation.

Currently, an animal that has been deemed vicious must keep the dog in accordance to the procedures outlined in Section 5-17. In order to afford appropriate due process, there should be a procedure to appeal a decision by a city code enforcement official that a dog is not being kept in conformance with Section 5-17.

Fiscal Information: None

Origin of Request: Law Department

Department Responsible: Community Development

Person Responsible: CHARLIE LANSFORD

Staff Recommendation: Approve