PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

AGENDA

August 14, 2007 - 12:00 Noon - Caucus Room - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Tmcdowell@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Parks and Recreation/Open Space Plan - Review of Revised Active Recreation Areas - The Arbors Senior Condominiums: Planned Neighborhood Design - Senior Housing Option (Previously reviewed as College Road Garden Apartments) (Tabled by Committee on May 29, 2007)

2. Update on Report Examining the Cost Differential Between a Geothermal System and a Traditional Air-conditioning System - John W. Pitts Recreation Center (Committee Requested Further Information During their June 12, 2007 Meeting)

3. CDBG Action Plan Amendment (Tabled by Committee July 10, 2007)

4. Presentation - Delaware Veterinary Medical Association

5. Discussion - Revised Animal Control Ordinance

6. Updates
   A. Puncheon Run Watershed Action Team Update
   B. John W. Pitts Recreation Center
   C. Planning and Funding for New Library
   D. CDBG Program

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.
Plan Title: The Arbors: Planned Neighborhood Design – Senior Housing Option C-07-05
Revised Plan dated 8/1/07

Previous Plan: College Road Garden Apartments: Planned Neighborhood Design – Senior Housing Option (C-05-01)

Plan Type: Revised Recreation Plan associated with a Revised Conceptual Plan for Conditional Use Site Plan Review

Owner/Equitable Owner: JNK, LLC c/o Tony Ashburn & Son, Inc.

Location: North side of College Road west of intersection with McKee Road

Site Area: 4.51 acres +/- (4.32 acres after right-of-way dedication)

Proposed Use: 48 residential units in two apartment buildings

Zoning: R-8 (One Family Residential Zone)

Recreation Plan Review:
The Conceptual Recreation and Open Space Plan shall be reviewed by the Parks, Recreation, and Community Enhancement Committee of City Council in order to provide a recommendation for the Planning Commission’s consideration. A Recreation Plan Review Report was previously issued for the project (in preparation for the 5/29/07 meeting). The Recreation Plan was reviewed at the May 29, 2007 meeting of the Parks Recreation & Community Enhancement Committee and tabled to give the applicant time to address items within the Staff recommendations on the Recreation Plan including consideration of the continuation of Topaz Circle as a public street.

At its meeting of June 18, 2007, the City of Dover Planning Commission moved to table the Conditional Use Site Plan for the Arbors Senior Condominiums: Planned Neighborhood Design-Senior Citizen Housing Option. The application was tabled pending resolution of the issues regarding the traffic distribution/circulation through the site and the layout of the plan including the potential extension of Topaz Circle Stub Street to College Road as a public street. The Planning Commission also included the requirement that with the Plan’s return to the Planning Commission will be the Parks, Recreation and Community Enhancement Committee’s
recommendation on the Active Recreation Plan including the review of a re-engineered plan if necessary.

This submission dated August 1, 2007 (received 8/3/07) consists of a Revised Recreation Plan for review by the Parks Recreation & Community Enhancement Committee. The overall site designed has been revised to continue Topaz Circle south as a public street to connect with College Road and to place the proposed building and its associated parking on the east side of Topaz Circle.

Previous Application (C-05-01):
The Arbors: Planned Neighborhood Design - Senior Housing Option on College Road previously moved through the site development application process and now the applicants have revised the project changing it from a two building concept to a one building concept with the number of units slightly reduced from 48 to 44 units. The project was previously known as College Road Garden Apartments: PND – Senior Housing Option (Application #C-05-01) and was reviewed as follows:

- 11/22/2004 City Council Review of Concept and Referral of Project to Planning Commission
- 4/12/2005 Parks & Recreation Committee Review of Active Recreation Plan
- 4/18/2005 Planning Commission Meeting - Application tabled; request additional information
- 5/16/2005 Planning Commission Meeting - Approval with conditions granted
- 5/15/2006 Planning Commission Meeting - Approval of one year extension (Plan to expire 5/31/07)
- 2005-2006 Review of several Check Prints as the project moved toward Final Plan Approval

An application for the Revised Conditional Use Site Plan for The Arbors: PND Senior Housing Option was submitted May 4, 2007 and began the review process as Application #C-07-05.

Open Space and Recreation Plan Summary:
The Zoning Ordinance requires an Open Space and Active Recreation Plan for all residential developments, projects and plans that come before the Planning Commission (Dover Code of Ordinances Appendix B, Article 5 §10). This Revised recreational component must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Conditional Use Site Plan by Planning Commission. The following table provides information from the submitted Revised Plan (dated 8/1/2007):

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Open Space in PND – Senior Option (Article 3 §24.61b)</strong></td>
<td>Sheet C2002: Area = 0.5 acres total as provided in three segments 0.09, 0.04, and 0.37 acres.</td>
</tr>
<tr>
<td>Useable open space following the area requirement of Active Recreation Area</td>
<td></td>
</tr>
<tr>
<td><strong>Active Recreation Area (Article 5 §10.16)</strong></td>
<td>Walking Path located north and west of the building including adjacent lawn areas.</td>
</tr>
<tr>
<td>275 S.F. per dwelling unit or 0.5 acre, greater thereof</td>
<td></td>
</tr>
<tr>
<td>44 DU = 12,100 S.F. (0.28 ac) Requires 0.5 acre</td>
<td></td>
</tr>
<tr>
<td><strong>Active Recreation Amenities</strong></td>
<td>Crosswalks and accessible</td>
</tr>
</tbody>
</table>
### Active Recreation Amenities

**Active Recreation Amenities (Article 5 §10.15)**

<table>
<thead>
<tr>
<th>Amenities</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age Oriented to development</td>
<td>Gazebo with seating, Benches, Open lawn areas, Walking Path</td>
</tr>
<tr>
<td>Parking</td>
<td>On site Parking provided for condominium apartment building. No on-street parking on this segment of Topaz Circle. Also pedestrian access to sidewalk system.</td>
</tr>
<tr>
<td>Developed trail area counted toward area requirement</td>
<td>Perimeter Walking Path provides the active recreation opportunity.</td>
</tr>
<tr>
<td>Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street</td>
<td>Location of gazebo in compliance.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>Tree plantings of deciduous, evergreen and ornamental trees and shrub plantings.</td>
</tr>
</tbody>
</table>

### Staff Recommendations:

The following are comments and recommendations from Staff of the Department of Planning & Inspections following review of the Revised Recreation Plan (Plan dated 8/1/07):

1. Compliance with the minimum acreage requirement of 0.5 acres for Active Recreation Areas is confirmed. The Plan shows only the area of the developed trail/ walking path and adjoining open lawn areas as counting towards the area requirement in accordance with *Zoning Ordinance*, Article 5 §10.155.

2. The following items should be included on the Plan to clarify the construction of the recreation area improvements:
   - a. Identify the surface material under the bench areas.
   - b. Provide a construction detail for the walking path construction including the width of the path.
   - c. Identify the location of traffic control signage such as pedestrian crossing signs, warnings on path for upcoming crossings, etc.

3. Provide a paved path to the gazebo entrance from the walking path.

4. Review the type of lighting proposed. The placement of light fixtures may need to be more...
closely spaced if using the low landscape style fixtures to light the walking path. Also consider the long term maintenance of this style of fixture. The placement of street light lamp posts may be more appropriate for certain areas especially in the vicinity of the gazebo. Some of the walking path may be lit by the street lights required to be placed along Topaz Circle.

5. The lawn areas should be appropriately planted (seeded or sodded) and maintained for active recreational activities.

6. There shall be provisions which insure that the common open space land including the active recreation areas shall continue as such and be properly managed and maintained. These provisions shall be in a form acceptable to the City of Dover. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on common open space and recreation facilities.
   a. A note should be added to the plan indicating the responsible entity.
   b. A note should be included on the Record Plan to indicate that area on the west side of Topaz (Street) Circle is required Open Space.

7. In the event, that major changes and revisions to the Conditional Use Site Plan which affect the Recreation Plan occur in the review process and finalization of the Conditional Use Site Plan resubmittal may be required for review by the Parks Recreation and Community Enhancement Committee or other agencies and commissions making recommendations in regards to the plan.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the active recreation facilities to be recommended and their location, related parking areas, and proposed landscaping.

Attachments: Recreation Plan sheet C2002 dated 8/1/07
2. Update on Report Examining the Cost Differential between a Geothermal System and a traditional air conditioning system – John W. Pitts Recreation Center

REPORT

On July 13, 2007, Tony DePrima, Peter Vyverberg of Becker Morgan and Zach Carter met with Scott Lynch of the Delaware Energy Office to discuss a geothermal energy system.

During our discussion, Mr. Lynch confirmed the cost estimate presented by Becker Morgan of $391,000 for a geothermal system was within reason. Based on this estimate we discussed funding options with Mr. Lynch. We were informed that the city doesn’t qualify for the Delaware Energy Answer for Business Grant; however the General Assembly has created the Sustainable Energy Utility program that we may qualify for. This is a new program that will include solar electric building installations, geothermal heating and cooling systems, home weatherization projects and purchases of fuel-efficient hybrid vehicles, air conditioners, and other major appliances.

These programs are still in the planning stage. It could take up to one year for this program to be up and running. The city is able to use funds from their Green Energy Grant Request Program to fund this project. However, to date there is only $100,000 in our Green Energy Fund. Each month there is approximately $10,000 placed in this fund.

Also, in our discussions we talked about the pay back period for geo-thermal cooling of the gymnasium area of the John W. Pitts Recreation Center (JWP). Being that we are only using this system to cool the gymnasium during a three (3) month period the pay back time would be about 30 years.

It is our feeling that the cost of geo-thermal cooling for the JWP, along with the length of pay back does not justify the installation of a geo-thermal system for the gymnasium.

We will continue to look at other potential conservation and renewable energy measures as we move forward with this project.
Energy savings plan could be pioneer

New utility program set up to help residents pay for sustainable projects

By JEFF MONTGOMERY
The News Journal

A new energy conservation utility could make Delaware a national leader amid the wave of state energy conservation programs, experts said.

The Sustainable Energy Utility, the entity approved in the closing days of the General Assembly, will work to drive down the prices of energy-efficient appliances, buildings and motor vehicles for consumers and businesses. The measure could yield big savings for residents and cut Delaware's carbon dioxide emissions by more than 30 percent by 2020. That's more than the ambitious 20 percent target set under a landmark bill signed by New Jersey Gov. Jon Corzine on Friday.

"Certainly it's got a lot of promise," said Bill Prindle, deputy director of the American Council for an Energy Efficient Economy, based in Washington. The group promotes energy efficiency as the primary way to cover future energy demands.

The utility will run as a nonprofit, but other crucial details about how it will operate remain unsettled.

Sen. Harris B. McDowell III, D-Wilmington North, chief sponsor of the plan, said $30 million in bonds can be sold to finance a revolving fund that will fund conservation and renewable energy measures. The approach builds on similar measures put in place by other states.

Projects that would qualify include solar electric building installations, geothermal heating and cooling systems, home weatherization projects and purchases of fuel-efficient hybrid vehicles, air conditioners and other major appliances.

"We really don't want to hamstring the process," McDowell said, pointing out that Delaware plans a nationwide request for proposals to operate the utility. "There are a lot of different ways you can envision it," including use of traditional banks to manage small individual repayment schedules.

Individuals and businesses would share a small portion of their energy savings during the repayment period.

WHAT IT IS
A program recently approved by the General Assembly will work to drive down the price tag of energy-efficient appliances, buildings and motor vehicles for consumers and businesses. The measure could yield big savings for residents and cut Delaware's carbon dioxide emissions by more than 30 percent by 2020.

HOW IT WILL BE DONE
$30 million in bonds would be sold to finance a revolving fund that will fund qualifying conservation and renewable energy measures, such as geothermal heating and cooling systems. Consumers would get money up front to help defray the higher costs, paying back a portion of their savings to help keep the utility afloat.
Energy: Vermont program is one example

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first few years after their purchase, allowing the agency to send the money into new investments. Later, for homes and businesses would send a share of the proceeds from renewable energy tax credits to the utility.

"I expect to see a lot more of that coming across the country," said Tom Tuffey, a former Pennsylvania energy program manager who now directs the Philadelphia-based Center for Energy, Enterprise and the Environment. "There's a tremendous demand now for energy improvement, and it comes from energy cost escalation, which you saw in Delaware, and from concern about energy security and climate change."

Last year, residents and businesses were hit with an electricity rate hike that sent bills up from 99 percent to more than 100 percent.

John M. Byrne, who directs the Center for Energy and Environmental Policy at the University of Delaware, said that participating residents could save an average of $1,000 annually.

The utility could spur investments in alternative energy - such as solar panels and small windmills - that would produce 300 to 400 megawatts of electricity. Through conservation under the utility, another 200 megawatts of electricity could be saved. All told, the utility could create or save enough energy to power more than 750,000 homes.

The new electricity sources and conservation savings combined would roughly match the output of the Indian River power plant. It also would exceed the amount of electricity sought under a state-mandated power purchase deal for Delmarva Power & Light, part of a state energy controversy now headed for Superior Court.

"We see a number of states where there's a very clear intent to meet the majority of new energy needs through efficiency and some kind of a mix of renewable energy," Prindle said. "Depending on how fast a state is growing, you can meet a lot, if not most, of the through just more efficient technologies. ... That's kind of a radical shift."

Prindle said for the program to be effective, the utility must educate consumers on the benefits of Energy Star products, appliances that consume less energy.

Byrne said that the utility could help consumers make purchases directly through the Internet or through more traditional sales avenues. Delaware's Energy Office, which participated in developing the law, also will have infor-
August 7, 2007

Sophia R. Russell, Chairwoman
Parks and Recreation Community Enhancement Committee
City Hall – The Plaza
P O Box 475
Dover, DE 19903

Dear Ms. Russell:

On behalf of the practicing veterinarians in Dover as well as all the members of the Delaware Veterinary Medical Association, I would like to thank you for the opportunity to address the Community Enhancement Committee on August 14, 2007.

Enclosed please find correspondence from the Delaware Veterinary Medical Association as well as correspondence from each veterinary practice in Dover regarding the proposed changes to the city code relative to dangerous / vicious dogs.

As the medical providers for animals, the veterinarians in Dover and all members of the DVMA are the most knowledgeable professionals of animals and animal behavior and are committed to them. As such they are available to you as the most experienced, knowledgeable, reliable and informed resource when considering issues involving animals.
If you or members of the committee have any questions after reviewing the enclosed correspondence and/or materials, please don’t hesitate to contact me.

Sincerely,

[Signature]

Lynn M. Appel
Executive Director

Enclosures

cc: William McGlumphy
    Ann Baker Horsey
    Eugene Ruane
    David Lewis, Jr.
    Ann Marie Townsend
    Zach Carter
August 6, 2007

Sophia R. Russell, Chairwoman  
Parks and Recreation Community Enhancement Committee Member  
City Hall - The Plaza  
P.O. Box 475  
Dover, DE 19903-0475

Dear Chairwoman Russell:

The Delaware Veterinary Medical Association strongly opposes changes to the City of Dover code that includes identifying specific breeds as dangerous.

The position of the Delaware Veterinary Medical Association, other state veterinary medical associations, and the American Veterinary Medical Association is that breed-specific ordinances raise constitutional questions concerning dog owners’ fourteenth amendment rights and ignore the scope and nature of the problem. Breed-specific legislation has been found to not only be unlikely to protect the community but has been found to be divisive, and does not promote responsible pet ownership. Singling out specific breeds will not be effective in that it does not appropriately address the problem of irresponsible ownership, poor compliance to existing state licensing and nuisance laws, and lack of enforcement of the Delaware Code.

Identifying specific breeds as having dangerous characteristics is false, promote a level of hysteria, and show a lack of understanding regarding canine behavior. The fact of the matter is that most dogs are not a problem. Canine behavior science has shown that no breed is inherently dangerous, but rather a dog's tendency to bite depends on at least six interacting factors: heredity, early experience, socialization and training, physical and behavioral health, victim behavior, and environment. A September 15, 2000 article in the Journal of the American Veterinary Medical Association revealed that in the last 20 years, there were 25 different breeds that were involved in 238 human fatalities.

Breed specific legislation also implies that there is an objective method of determining the breed of any particular dog, when in fact there is none at this time. Owners of mixed-breed dogs will have no way of determining if their dog is one of the types of breeds listed and whether the rules apply to them or not. Animal Control officers will also encounter similar difficulties when dealing with mixed breed dogs.
The DVMA supports the AVMA’s following strategies and recommendations to prevent dog bite injuries: 1) enforcement of generic, non-breed-specific dangerous dog laws, with an emphasis on chronically irresponsible owners; 2) enforcement of animal control ordinances such as leash laws; 3) prohibition of dog fighting; 4) encouraging neutering; and 5) school-based and adult education programs that teach pet selection strategies, pet care and responsibility, and bite prevention.

Specifically the DVMA supports actions and legislation that promote education and public awareness of animal issues, promote animal licensing, vaccination, and neutering, and promote enforcement of the Chapter 17 of the Delaware State Code which has subchapters detailing requirements for responsible pet ownership in the state and identification, classification, and handling of dangerous and potentially dangerous dogs.

The Delaware Veterinary Medical Association is a professional association whose goals are to cultivate veterinary medical science and literature, elevate the standards of veterinary education, enlighten and direct public opinion regarding veterinary problems within the State, promote good fellowship among practitioners of veterinary medicine in the state of Delaware, protect the material interests of the veterinary profession and to present to the world its achievements, and to engage in all lawful acts and activities in furtherance of these purposes. Approximately 86% of the practicing veterinarians in the state are members of the DVMA.

Sincerely,

Dr. Jeffrey Bowersox DVM
President-Elect, Delaware Veterinary Medical Association
Diplomate, American College of Veterinary Ophthalmologists

cc: William P. McGlumphy, Committee Member
    Eugene B. Ruane, Committee Member
    Ann Baker Horsey, Committee Member
    David A. Lewis, Jr., Committee Member
    Anne Marie Townsend, Director, City of Dover, Planning
"Comments Regarding the City’s Designation of Certain Breeds as “Dangerous Breeds”

Let me first commend the Dover City Council for attempting to improve the dangerous dog issues for the citizens of Dover. This is a step in the right direction and you are to be applauded for your considerations. I would like the council to consider these comments regarding the designation of certain dog breeds as being dangerous.

Designating a specific breed of dogs or breeds of dogs as dangerous is really no different than racial profiling or designating certain ethnic groups as “undesirable” or “dangerous”. After the attack on Pearl Harbor by the Japanese the United States confined all Japanese/Oriental ethnic groups, history has shown that this knee-jerk reaction, out of fear, was unwarranted and unnecessary. There are “good” and there are “bad” actors of all nationalities Hitler Vs Werner Von Braun, Ide Amine vs. Nelson Mandela etc.

There are good Pit Bulls and Bad Pit Bulls; good Doberman Pinchers and bad Doberman Pinchers; good Poodles and bad Poodles; good German Shepherds and bad German Shepherds. It might interest you to know that the insurance companies still list German Shepherds on the top of the dog bite list. My point is that the breed is not the problem the individual’s behavior is the problem.

Having served on the state dangerous dog panel since it’s inception, I do not have a very benevolent feeling toward Pit Bulls because the majority of our hearings have involved Pit Bulls however I also do not agree that any breed should be branded as being dangerous as a whole, this is unfair to the well behaved members of that breed as it would be unfair to say that all Islamic are to be feared and designated dangerous because they are Muslims.

The state statute Title 7 chapter 17 subchapter III of the Delaware code, Dangerous and potentially dangerous dogs is in place and provides the means to declare a particular dog as dangerous because of it’s transgression. Thereby being much more fair in it’s jurisdiction than any breed specific legislation. I would suggest, at least, the consideration of said legislation as a substitute to specifically singling out a dog breed or breeds as being dangerous.

A CDC study of fatal dog bites lists the breeds involved in fatal attacks over 20 years. It does not identify specific breeds that are most likely to bite or kill and this is not appropriate for policy-making decisions related to the topic. Each year, dogs bite approximately 4.7 million Americans. There is currently no accurate way to identify the number of dogs of a particular breed and consequently no measure to determine which breeds are more likely to bite or kill.

Many practical alternatives to breed-specific policies exist and hold promise for preventing dog bites. Please refer to the American Veterinary Task Force on Canine Aggression and Human-Canine Interaction for alternatives.

Sincerely,

Craig A. Stonesifer, DVM
July 23, 2007

Sophia R. Russell, Chairwoman
Parks and Recreation Community Enhancement Committee Member
City Hall- The Plaza
P.O. Box 475
Dover, Delaware 19903-0475

Dear Ms. Russell:

As a veterinarian and business owner within the city of Dover for over 20 years it has come to my attention that the Dover City Council is attempting to rewrite the ordinances as they relate to animals within the city limits. I have also served on the Executive Board of the Delaware Veterinary Medical Association for the last 20 years and on the American Veterinary Medical Associations’ House of Delegates for the last 10 years. The D.V.M.A. is a professional association of licensed veterinarians. The purpose of the association is to cultivate veterinary medical science and literature; to elevate the standards of veterinary education; to enlighten and direct public opinion regarding veterinary problems within the State; to promote good fellowship among practitioners of veterinary medicine within the state of Delaware; to promote the material interests of the veterinary profession and to present to the world it’s achievements; and to engage in all lawful acts and activities in furtherance of those purposes. Of the licensed veterinarians in the state, 86% are members of the DVMA.

It seriously concerns me that the city council is considering instituting breed specific dangerous dog legislation for the city of Dover. On a state level Representative Spence initiated dangerous dog legislation several years ago. I served on the panel and initially the same breeds were named as dangerous dogs when in fact the Cocker Spaniel is the leading cause of hospital visits and other breeds are well above the Rottweiler, Doberman Pincher, and Pit Bull. The state elected to move away from breed specific legislation to the more defensible individually dangerous dog legislation. More recently New Castle County tried to achieve the same goal and it was voted down after some serious discussions with the Delaware Veterinary Medical Association, the Wilmington Kennel Club, and the local SPCA.
I would recommend that the Committee look into work that has already been done at the state level. There is (or was) a dangerous dog panel in place and strict guidelines for what makes a dog dangerous and how a dangerous dog is to be handled. Your proposed statutes follow those of the state very closely once the animal has been declared dangerous; however, you are penalizing the majority to control a very few.

Your committee should consider the following:

- Restricting dog ownership by breed can bring up the 14th amendment issues.
- Any dog of any breed can be made aggressive by its upbringing. Dogs with aggressive tendencies should be neutered and should have to go through obedience training.
- Breed specific legislation tends to be a divisive force within the community, as the majority of these breed owners are responsible owners with nice dogs who now have to “jump through hoops” simply due to their dogs breed and not its behavior.

I have owned Governor’s Avenue Animal Hospital in the city of Dover for the last 21 years. My practice encompasses the full spectrum of “dangerous” breeds, the vast majority of whom are good canine citizens. As a representative of the DVMA, an animal professional and a long time Dover business owner, I would really like to talk to the committee about this proposed legislation before it goes into it’s final form. I would like to be put on the agenda for the August 14 meeting if possible. Thank you.

Sincerely,

Janice L. Sosnowski, DVM

Cc: Anne Marie Townsend
Madam Chairwoman, Community Enhancement Committee,

This letter is in reference to the code revisions for the City of Dover Code Chapter 18. We apologize for not being familiar with the background information that has encourage the possible need for a dangerous dog law, for a Delaware Veterinary Medical Association representative was not involved in the process. Since there was not a veterinarian liaison at the meeting where these rules and regulations were introduced, we would like to share some of our ideas at this time. The 2 biggest areas of concern are: (1) the list of breeds considered dangerous and (2) administration/enforcement of the laws.

What parameters were used to determine your list of dangerous dogs? In our practice we muzzle Dalmatians 90% of the time and only have to muzzle pit bull terriers about 20%! What about German shepherd dogs? Rat Terriers? Chesapeake Bay Retrievers? The fact of the matter is, most dogs are not the problem - the owners are. Will the owner be held responsible/prosecuted in the event an incident does occur? Will they be required to take educational programs to teach pet care and responsibility? Identifying a breed of dog as dangerous is discriminating to the dog and owner.
Also a major concern is who will be responsible for enforcement of these new codes/laws? The KC SPCA is already overwhelmed with its current duties in animal control and now they are also being asked to be responsible for the registration of "dangerous breeds" within the city of Dover. As far as city licensure, we are not opposed, but who is going to undertake the administrative duties? It is our understanding that recently it was a major dilemma deciding what agency would handle the state licensing administration. We can only assume that the city does not have the vast resources of the state and it will be more difficult.

Thank you for your time and consideration of our ideas/concerns. Please feel free to contact us.

Sincerely,

[Signature]

Dr. Gil Van Sciver
Dr. Kim Gaines
To Whom It May Concern:

This letter is in regards to the proposed changes to Chapter 18 of the City of Dover Code. As a veterinarian employed by a hospital within the Dover City limits, I felt it was my responsibility to address the proposed changes.

My colleagues and I are opposed to many of the sweeping changes suggested within Chapter 18. While we are all concerned with dangerous dogs, it defies common sense to impose restrictions on all dogs of a particular breed, simply because they are a particular breed or size.

Some obvious questions and concerns that immediately come to mind include the following:

- Section 18-1: What determined which particular breeds made it onto the “list” of dangerous breeds? Is this from local statistics on bite wounds?
- Section 18-5a: Responsible breeders are going to wait for the appropriate homes to come along before they let their puppies/kittens go. This timeline penalizes the breeders who sometimes have to wait a little longer to find that home. Why is the timeline now cut back for these particular owners? It is the irresponsible owners who try to get rid of all the kittens and puppies before they are actually old enough to be away from their mothers.
- Section 18-5a: Are other pets such as reptiles, hamsters, guinea pigs also included in this total count of four pets? This seems a bit unreasonable. Several cats and a couple of dogs can live in harmony without disturbing the neighbors. Perhaps just enforcing the nuisance laws that already exist will eliminate households that have more pets than the owners can adequately care for or control.
- Section 18-9: If pets are already licensed, why do they have to be microchipped and registered at the Kent County S.P.C.A.? Who will pay for all the record-keeping and enforcement? Why are service dogs and police dogs, which live in neighborhoods, exempt? Why do tiny 4-month old puppies (such as toy breeds) have to be microchipped as opposed to waiting until their spay or neuter surgery when they are 6 months old and asleep?
- Section 18-12(a-d): If this section is enforced, won’t that eliminate dog bites? Why not just enforce the existing laws and do away with breed specific discrimination, which will not affect those who break the law anyway. Where do most dog bites occur in the City of Dover anyway? Is it in public areas in the owner’s presence? Is it when dogs have escaped and are not properly confined? Is it when people are on the dog’s own property? How many biting dogs in the City of Dover would qualify as dangerous dogs according to the definition and exclusions in this code?
- Section 18-16(f): I’m not quite sure what in this section would constitute a violation. Maybe this belongs in section 18-15.
• Section 18-17 and Section 18-18: There is no problem with all of these restrictions for a truly dangerous dog...a dog that has proven itself as a danger, however to impose all of these restrictions on a dog and its owner simply because of its appearance is preposterous. There are many responsible owners with calm, well-behaved, well-trained, beautiful dogs that fit into this category. To deny these people the same privileges as someone who owns a different breed of dog that is not on the “list” (perhaps a German Shepherd Dog, St. Bernard, or a Chesapeake Bay Retriever...or a host of others...) that may be physically larger and may not be obedience trained and may not be responsive to the owners is completely unfair.

• Section 18-18(e): It is typical for veterinarians to wait until a puppy is 5-6 months old before the spay or neuter surgery is performed. Shelters will often do the procedure earlier as a way to help control pet overpopulation, but it is still fairly standard to wait until the 5-6 month age bracket for owned pets treated at a veterinary hospital.

• Section 18-30: This interpretation is actually completely contradictory to the entire previous section. You have given NO freedom to “well-trained animals under the control of a competent person” when the animal is a breed listed in the “dangerous breed” list.

In summary, it seems that the confinement and nuisance laws are already in place, and if enforced, would eliminate most opportunities for bites to occur to begin with. To add this extraordinary list of additional rules and laws that will require excessive record-keeping, monitoring, time, money and a great deal of additional enforcement (to keep track of those who are obeying the laws) just does not make sense.

As someone with experience working with all types of dogs under all types of stressful and painful conditions, I can tell you that each patient’s behavior or propensity toward biting is evaluated independent of breed. We muzzle many Chihuahua’s and frightened Huskies, yet are able to do many of the same procedures on Dobermans and Pit Bulls without muzzles and with minimal restraint. A bad bite wound could put any of us in the veterinary profession on disability so we are very careful about how we handle our patients. We have to protect ourselves, our staff, and even the owners and families who come with their pets, yet we do not muzzle every large breed dog of a particular species that comes in the door. Dogs and cats are evaluated on their individual merits, just as pets in the community should be evaluated independently.

Those of us at VCA Dover Animal Hospital do not feel that breed specific legislation is in the best interest of animals, owners or our community. As you know, the American Veterinary Medical Association and the Humane Society of the United States have position statements against breed-specific legislation. Please see the enclosed attachment for both those statements.

Sincerely,

[Signature]

Natalie S. Titus, D.V.M.
 Dangerous Animal Legislation  
(Current as of November 2005)

The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous.

Banning specific breeds to control dog bite injuries ignores the scope and nature of the problem and is unlikely to protect a community's citizens. Breed bans assume all dogs of a specific breed are likely to bite, instead of acknowledging that most dogs are not a problem. These laws rarely assign appropriate responsibilities to owners.

Statistics on injuries caused by dogs are often used to demonstrate the "dangerousness" of particular breeds. Such arguments are seriously flawed. It is not possible to calculate a bite rate for a breed or to compare rates between breeds because: 1) the breed of a biting dog is often not known or is inaccurately reported; 2) the actual number of bites that occur in a community is not known, especially if they did not result in serious injury; 3) the number of dogs of a particular breed or combination of breeds in a community is not known because it is rare for all dogs in a community to be licensed; 4) statistics often do not consider multiple incidents caused by a single animal; and 5) breed popularity changes over time, making comparison of breed-specific bite rates unreliable. Breed data likely vary between communities, states, or regions, and can even vary between neighborhoods within communities.

Breed-specific ordinances have also raised constitutional questions concerning dog owners' fourteenth amendment rights. Because all types of dogs may inflict injury, ordinances addressing particular breeds of dogs are argued to be underinclusive and to violate equal protection. Because identification of a dog's breed with certainty is prohibitively difficult, such ordinances may also be considered vague and to violate due process.

A dog's tendency to bite depends on at least six interacting factors: heredity, early experience, socialization and training, physical and behavioral health, victim behavior, and environment. Breed-specific approaches ignore five of the six and are not likely to result in effective injury control. Banning specific breeds may give owners of other breeds a false sense of security and decrease their desire to seek appropriate socialization and training for their pets.

The AVMA recommends the following strategies to prevent dog bite injuries: 1) enforcement of generic, non-breed-specific dangerous dog laws, with an emphasis on chronically irresponsible owners; 2) enforcement of animal control ordinances such as leash laws; 3) prohibition of dog fighting; 4) encouraging neutering; and 5) school-based and adult education programs that teach pet selection strategies, pet care and responsibility, and bite prevention.
AVMA Position Statement:

The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous.

HSUS Position Statement:

The Humane Society of the United States offers the following position regarding breed-specific policies.

The HSUS opposes legislation aimed at eradicating or strictly regulating dogs based solely on their breed for a number of reasons. Breed Specific Legislation (BSL) is a common first approach that many communities take. Thankfully, once research is conducted most community leaders correctly realize that BSL won't solve the problems they face with dangerous dogs.

There are over 4.5 million dog bites each year. This is an estimate as there is no central reporting agency for dog bites, thus breed and other information is not captured. Out of the millions of bites, about 10-20 are fatal each year. While certainly tragic, it represents a very small number statistically and should not be considered as a basis for sweeping legislative action.

It is imperative that the dog population in the community be understood. To simply pull numbers of attacks does not give an accurate representation of a breed necessarily. For example, by reviewing a study that states there have been five attacks by golden retrievers in a community and 10 attacks by pit bulls in that same community it would appear that pit bulls are more dangerous. However, if you look at the dog populations in that community and learn that there are 50 golden retrievers present and 500 pit bulls, then the pit bulls are actually the safer breed statistically.

While breed is one factor that contributes to a dog's temperament, it alone cannot be used to predict whether a dog may pose a danger to his or her community. A September 2000 study published in the Journal of the American Veterinary Medical Association (VetMed Today: Special Report) further illustrates this point. The report details dog bite related fatalities in the United States from 1979 through 1998, and reveals that over the nineteen years examined in the study at least 25 different breeds or crossbreeds of dogs were involved in fatally wounding human beings. Breeds cited range from oft-maligned pit bulls and Rottweilers to the legendary "forever loyal" breed of St. Bernards. The study was conducted by a group of veterinarians, medical doctors, and psychology and public health experts.

The main conclusion of the study was that breed-specific legislation doesn't work for several reasons: that there are inherent problems in trying to determine a dog's breed, making enforcement of breed-specific legislation difficult at best; that fatal attacks represent a very small portion of bite-related injuries and should not be the major factor driving public policy; and that existing non-breed-specific legislation already exists and offers promise for the prevention of dog bites.
Two decades ago, pit bulls and Rottweilers (the most recent breeds targeted) attracted little to no public concern. At that time it was the Doberman pinscher who was being vilified. In 2001, few people had heard of the Presa Canario breed, involved in the tragic, fatal attack on Diane Whipple in California in January of that year. Now that breed is being sought by individuals who desire the new "killer dog." Unfortunately, the "problem dog" at any given time is often the most popular breed among individuals who tend to be irresponsible, if not abusive, in the control and keeping of their pets. Simply put, if you ban one breed, individuals will just move on to another one. Banning a breed only speeds up the timetable.

Communities that have banned specific breeds have discovered that it has not been the easy answer they thought it would be. In some areas, media hype has actually increased the demand for dogs whose breed is in danger of being banned. Animal control agencies, even those that are well funded and equipped, have found the laws to be an enforcement nightmare.

Restrictions placed on a specific breed fail to address the larger problems of abuse, aggression training, and irresponsible dog ownership. Again, breed alone is not an adequate indicator of a dog's propensity to bite. Rather, a dog's tendency to bite is a product of several factors, including but not limited to:

- Early socialization, or lack thereof, of the dog to people.
- Sound obedience training for recognition of where he or she "fits" with regard to dominance and people, or mistraining for fighting or increased aggression.
- Genetic makeup, including breed and strains within a breed.
- Quality of care and supervision by the owner (is the dog part of the family or is she kept chained outside?).
- Current levels of socialization of the dog with his or her human family.
- Behavior of the victim.
- Whether the dog has been spayed or neutered.

If the goal is to offer communities better protection from dogs who are dangerous, then thoughtful legislation that addresses responsible dog keeping is in order. Legislation aimed at punishing the owner of the dog rather than punishing the dog is far more effective in reducing the number of dog bites and attacks. Well enforced, non-breed-specific laws offer an effective and fair solution to the problem of dangerous dogs in all communities.

Comprehensive "dog bite" legislation, coupled with better consumer education and forced responsible pet keeping efforts, would do far more to protect communities than banning a specific breed. The HSUS encourages you to read the Community Approach to Dog Bite Prevention by the American Veterinary Medical Association.
The HSUS is committed to keeping dogs and people safe and is available and willing to offer advice, educational materials and model legislation to communities interested in decreasing the incidence of dog bites and aggression.
A Model Community Approach to Dog Bite Prevention
Gail C. Golab, PhD, DVM

The following notes are adapted from "A community approach to dog bite prevention," published in the Journal of the American Veterinary Medical Association.¹

Dog bites are a serious public health problem inflicting considerable physical and emotional damage on victims and incurring immeasurable hidden costs to communities. Bites have been tolerated as a job-related hazard for utility and postal workers, but for many communities the problem may be more encompassing. Following a severe attack, there is usually an outcry to "do something" and the "something" that is done often reflects a knee-jerk response. Only later do officials realize that the response was not effective and, in fact, may have been divisive for the community. To assist communities in avoiding such ineffective responses, the AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions. Although the number of injuries will never be reduced to zero, Task Force members agreed that a well-planned, proactive community approach could make a substantial impact. The information contained in this report,¹ which will be described during this presentation, is intended to help leaders find effective ways to address their community's dog bite concerns.

Scope of the Problem
Dogs have shared their lives with humans for more than 12,000 years,² and that coexistence has contributed substantially to humans' quality of life. In the United States, there are 61.6 million dogs sharing the human-canine bond³; more dogs per capita than in any other country in the world. Unfortunately, a few dogs do not live up to their image as mankind's best friend, and an estimated 4.5 million people are bitten each year,⁴ although the actual number injured is unknown.⁵ Approximately 334,000 people are admitted to US emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings.⁶ An unknown number of other people who have been bitten do not sustain injuries deemed serious enough to require medical attention. Still another group of individuals is not represented by these data—those that incur other types of injuries secondary to a bite or attempted bite. For example, a jogger may trip and break an arm while fleeing from a threatening dog.

Of concern too are the demographics of typical dog bite victims. Almost half are children younger than 12 years old.⁶,⁷ People more than 70 years old comprise 10% of those bitten and 20% of those killed.⁸,¹⁰

Direct costs of dog bite injuries are high. The insurance industry estimates it pays more than $1 billion/y in homeowners' liability claims resulting from dog bites.¹¹ Hospital expenses for dog bite-related emergency visits are estimated at $102.4 million.⁶ There are also medical insurance claims, workmen's compensation claims, lost wages, and sick leave-associated business costs that have not been calculated.
Which dogs bite?

An often-asked question is what breed or breeds of dogs are most "dangerous"? This inquiry can be prompted by a serious attack by a specific dog, or it may be the result of media-driven portrayals of a specific breed as "dangerous." Although this is a common concern, singling out one or two breeds for control can result in a false sense of accomplishment. Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community's citizens.

Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite. Invariably the numbers will show that dogs from popular, large breeds are a problem. This should be expected because big dogs can physically do more damage if they do bite and any popular breed has more individuals that could bite. Dogs from small breeds also bite and are capable of causing severe injury. There are several reasons why it is not possible to calculate a bite rate for a breed or to compare rates between breeds.

First, the breed of the biting dog may not be accurately recorded, and mixed-breed dogs are commonly described as if they were purebreds. Second, the actual number of bites that occur in a community is not known, especially if they did not result in serious injury. Third, the number of dogs of a particular breed or combination of breeds in a community is not known because it is rare for all dogs in a community to be licensed and existing licensing data is then incomplete. Breed data likely vary between communities, states, or regions, and can even vary between neighborhoods within a community.

Wolf hybrids are just that: hybrids between wild and domestic canids. Their behavior is unpredictable because of this hybridization and they are usually treated as wild animals by local or state statutes. Wolf hybrids are not addressed by the Task Force's report.

Sex differences do emerge from data on various types of aggression. Intact (unsterilized) male dogs represented 90% of dogs presented to veterinary behaviorists for dominance aggression, the most commonly diagnosed type of aggression. Intact males are also involved in 70 to 76% of reported dog bite incidents. The sex distribution of dogs inflicting unreported bites is not known. Unspayed females that are not part of a carefully planned breeding program may attract free-roaming males, which increases bite risk to people through increased exposure to unfamiliar dogs. Dams are protective of their puppies and may bite those who try to handle the young. Unspayed females may also contribute to the population of unwanted dogs that are often acquired by people who do not understand the long-term commitment they have undertaken, surrendered to animal shelters where many are destroyed, or turned loose under the misconception they can successfully fend for themselves.

Dog bite costs to a community

Costs associated with dog bite injuries cannot be readily measured because so many intangible quality of life issues are involved. This makes it more difficult for community councils to justify the time, effort, and expense necessary to institute a bite reduction program when compared to a new fire truck, street paving, or city park. Intangible costs include time spent by volunteer and paid community officials on animal-related issues, deterioration of relationships between neighbors, building appropriate medical support,
citizens' concerns about neighborhood safety for children, homeowners' insurance costs within the community, and animal shelter support for unwanted pets. These are quality of life issues that ultimately determine the desirability of a community to its citizens and that can motivate proactive community officials to institute a prevention program.

The program: A community approach to dog bite prevention

Reducing the incidence of dog bites requires active community involvement; passive attention or a token commitment is not sufficient. By actively focusing on dog bite prevention, the State of Nevada was able to reduce the incidence of bites by approximately 15%.

Members of the AVMA Task Force represented a broad range of disciplines and designed the program described during this presentation and published in the Journal of the American Veterinary Medical Association (also available on the AVMA Web site at http://www.avma.org/). It was recognized that a community approach must be multidisciplinary, and that different communities will have different needs based on their level of commitment, preexisting programs, and available resources. Although the best results will be obtained by adopting the entire prevention program, the program is designed so that it may be adopted as a whole or in part. Either way, the goal remains to reduce the incidence of dog bites within communities and improve quality of life for their citizens.

Footnotes

References
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Introduction and Problem Statement

Dog bites are a serious public health problem that inflicts considerable physical and emotional damage on victims and incurs immeasurable hidden costs to communities. Bites have been tolerated as a job-related hazard for utility and postal workers, but for many communities the problem may be more encompassing. Following a severe attack, there is usually an outcry to do something, and the something that is done often reflects a knee-jerk response. Only later do officials realize that the response was not effective and, in fact, may have been divisive for the community. To assist communities in avoiding such ineffectual responses, the AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions. Although the number of injuries will never be reduced to zero, Task Force members believe a well-planned proactive community approach can make a substantial impact. The information contained in this report is intended to help leaders find effective ways to address their community's dog bite concerns.

Scope of the problem

Dogs have shared their lives with humans for more than 12,000 years, and that coexistence has contributed substantially to humans' quality of life. In the United States, there are slightly more than 53 million dogs sharing the human-canine bond. More dogs per capita than in any other country in the world. Unfortunately, a few dogs do not live up to their image as mankind's best friend, and an estimated 4.5 million people are bitten each year, although the actual number injured is unknown. Approximately 334,000 people are admitted to US emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings. An unknown number of other people have been bitten but do not sustain injuries deemed serious enough to require medical attention. Still another group of individuals is not represented by these data, those that incur injuries secondary to a bite or attempted bite. For example, a jogger may trip and break an arm while fleeing from a threatening dog.

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Which dogs bite?

An oft-asked question is what breed or breeds of dogs are most "dangerous"? This inquiry can be prompted by a serious attack by a specific dog, or it may be the result of media-driven portrayals of a specific breed as "dangerous." Although this is a common concern, singling out 1 or 2 breeds for control can result in a false sense of accomplishment. Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community's citizens.

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Animal control agencies

Animal control officers are the frontline in controlling animal bites. A well-resourced animal control agency is vital for public health and safety within any community. In some communities, animal control is a stand-alone agency. In others, it is administered through the local city or county health director or is a subsidiary of the local police department or sheriff's office. Wherever located, the functions of animal control within communities are multiple, including:

- training of animal control officers and ancillary personnel
- licensing of dogs and cats
- enforcement of leash laws, ordinances, regulations, and statutes
- control of unrestrained and free-roaming animal populations
- investigation of animal bite-related incidents
- administration of rabies quarantine programs after an animal bites
- bite data management, analysis, and dissemination regulation of "dangerous" animals
- educational outreach within the community regarding responsible ownership, spay/neuter programs, control of "dangerous" animals, rabies vaccinations
- coordination of efforts

Larger communities often possess more resources to properly fund animal control agencies and provide adequate staff and training; however, smaller animal control programs can also be effective, even when they operate on a limited budget. Dedicated personnel can accomplish much if they have community support, including support from law enforcement and the judiciary.

Preventive measures

Preventive measures are designed to minimize risk and should be addressed by all communities.

Control of unrestrained and free-roaming animals—Reasonable and enforceable laws or ordinances are required for good control of unrestrained or free-roaming animals (Appendix 2). Laws written to ensure that owned animals are confined to their property or kept on a leash make freeing a community of unrestrained and free-roaming animals easier. Although most dog bites occur on the property where the dog lives, unrestrained or free-roaming dogs do pose a substantial threat to the public. Enforcement of restraint laws, therefore, essential if the incidence of dog bites is to be reduced. It is important to protect animal owners by providing an adequate amount of time for them to claim animals that have been impounded. Because of economic constraints, the current standard in the industry is 3 working days; however, 5 days may be more reasonable to ensure successful owner-animal reunions. Control of unrestrained and free-roaming animal populations requires an adequately staffed, trained, and funded animal control agency.

Licensing of dogs—The primary benefit of licensing animals is identification, should that animal become lost. Licensing also ensures rabies vaccinations are current, allows quick identification in case of a bite incident, and provides revenue to help offset the costs of administering the animal control program. An effective program can be a source of reliable demographic data as well.

Vaccinations—Rabies vaccinations are normally a prerequisite for licensing dogs and cats, because they are an important control measure for a major public health concern. In addition to protecting pets, rabies vaccinations provide a barrier between infected wild animals and humans. Vaccination has reduced confirmed cases of rabies in dogs from 6,949 in 1947 to 126 in 1997.

Breed or type bans—Concerns about "dangerous" dogs have caused many local governments to consider supplementing existing animal control laws with ordinances directed toward control of specific breeds or types of dogs. Members of the Task Force believe such ordinances are inappropriate and ineffective.

Statistics on fatalities and injuries caused by dogs cannot be responsibly used to document the "dangerousness" of a particular breed, relative to other breeds, for several reasons. First, a dog's tendency to bite depends on at least 5 interacting factors: heredity, early experience, later socialization and training, health (medical and behavioral), and victim behavior. Second, there is no reliable way to identify the number of dogs of a particular breed in the canine population at any given time (eg, 10 attacks by Doberman Pinschers relative to a total population of 10 dogs implies a different risk than 10 attacks by Labrador Retrievers relative to a population of 1,000 dogs). Third, statistics may be skewed, because often they do not consider multiple incidents caused by a single animal. Fourth, breed is often identified by individuals who are not familiar with breed characteristics and who commonly identify dogs of mixed ancestry as if they were purebreds. Fifth, the popularity of breeds changes over time, making comparison of breed-specific bite rates unreliable.

Breed-specific ordinances imply that there is an objective method of determining the breed of a particular dog, when in fact, there is not at this time. Owners of mixed-breed dogs or dogs that have not been registered with a national kennel club have no way of knowing whether their dog is one of the types identified and whether they are required to comply with a breed-specific ordinance. In addition, law enforcement personnel typically have no scientific means for determining a dog's breed that can withstand the rigor of legal challenge, nor do they have a foolproof method for deciding whether owners are in compliance or in violation of laws. Such laws assume that all dogs of a certain breed are likely to bite, instead of acknowledging that most dogs are not a problem. These laws often fail to take normal dog behavior into account and may not assign appropriate responsibilities to owners.

Some municipalities have attempted to address notice and enforcement problems created by unregistered and mixed-breed dogs by including in the ordinance a description of the breed at which the ordi
nce is directed. Unfortunately, such descriptions are usually vague, rely on subjective visual observation, and result in many more dogs than those of the intended breed being subject to the restrictions of the ordinance.

Animal control legislation has traditionally been considered a constitutionally legitimate exercise of local government power to protect public safety and welfare. Moreover, a legitimate state interest is needed to justify an ordinance which infringes on the right of due process and equal protection. When a specific breed of dog is selected for control, the ordinance has mass. First, because all types of dogs may inflict injury to people and property, ordinances addressing only 1 breed of dog appear to be underinclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is impossible, such ordinances have been considered unconstitutionally vague and, therefore, to violate due process.

**After a bite occurs**

It is important to have a well-defined postbite program in place to minimize physical and emotional pain for dog bite victims. This allows animal control personnel to work efficiently, protects animals that are victims of false allegations, and provides the judiciary with reasonable alternatives that address a variety of situations. State laws may dictate parts of this process.

**Investigation of animal bite-related incidents**

Any animal bite or incident must be thoroughly investigated and substantiated by an agent of the empowered investigating authority such as an animal control officer, police officer, or peace officer. Ideally, the investigating authority should be the same authority that enforces related ordinances or laws to give continuity and credibility to all investigations. Investigating officers must be given authority to perform their duties by statute or ordinance. Clear, concise, standardized information concerning the incident must be obtained to ensure its successful resolution and facilitate long-term data collection (Appendix 3).

**Possible rabies quarantine programs**

A healthy dog that is not currently vaccinated against rabies and that bites a human should be examined by a licensed veterinarian to determine its health status. If no signs of illness compatible with rabies are detected, the dog should be quarantined. The Centers for Disease Control and Prevention has set the quarantined period for dogs, cats, and ferrets at 10 days, including the day of the bite. Vaccinated dogs can be allocated to 2 categories: those that have bitten a member of the immediate family and those that have bitten an individual outside the immediate family. Home quarantine can be considered for vaccinated dogs that have bitten a member of the immediate family, assuming the owner can confine the dog in a manner that prevents further exposure. Vaccinated dogs that have bitten a human outside the immediate family generally should be quarantined at the local shelter or veterinarian's office. At the end of the quarantine period, the dog should undergo a physical examination. In addition, interim evaluations are highly recommended.

A dog that is not currently vaccinated against rabies and that bites a human should be considered a rabies suspect and be appropriately quarantined. Contact with the dog during the quarantine period should be strictly limited to individuals who have completed rabies prophylaxis and are up-to-date on serologic testing and booster vaccinations. Physical examination should be conducted at the beginning and end of the quarantine period to determine the dog's health status. Quarantined dogs may be treated by a veterinarian, but rabies vaccines should not be administered to the dog until the quarantine period is complete. If at any time during the quarantine period the dog has signs of illness compatible with rabies, it should be humanely euthanatized and samples submitted for rabies testing.

Records of all bites must be kept, including information specifically identifying the dog and owner. These should be crossexhanded with each incident for evidence of a chronic problem.

**Identification and regulation of "dangerous" dogs**

Certain dogs may be identified within a community as being "dangerous," usually as the result of a serious injury or threat. That classification, because it carries with it serious implications, should be well defined by law. The term "dangerous" should include an exclusion for justifiable actions of dogs. Procedures should be outlined that take into account the potential public health threat, are reasonable to enforce, and convey the seriousness of the situation to the owner. Although animal control officers or their statutory counterparts are responsible for collecting information, a judge or justice will hear evidence from animal control officers and the dog's owner to determine whether that dog fits established criteria for "dangerousness." In some municipalities, a hearing panel comprising a cross section of private citizens hears alleged "dangerous" dog evidence and has been given the authority to declare a dog "dangerous" if deemed appropriate. Any declaration by a hearing panel, judge, or justice is subject to judicial review. A judge, justice, or hearing panel may promulgate orders directing an animal control officer to seize and hold an alleged "dangerous" dog pending judicial review. If a dog is determined to be "dangerous" by a judge, justice, or hearing panel, the owner of that dog is usually required to register the dog with the appropriate health department or animal control facility. The judicial process may also require the owner to follow other rigid requirements, including but not limited to permanent identification of offending dogs, training and assessment of dogs and owners, and having offending dogs spayed or neutered.

Because the judicial branch is such an integral part of any enforcement action, the judiciary must assist during formulation of "dangerous" dog laws. If the judiciary is involved, its members will be aware of the process that must be followed to declare a dog "dangerous." In addition, they will be aware of steps that have already been completed and the options available when a particular case reaches the courts.
Special Report

Breed of dogs involved in fatal human attacks in the United States between 1979 and 1998

Jeffrey J. Sacks, MD, MPH; Leslie Sinclair, DVM; Julie Gilchrist, MD; Gail C. Golub, PhD, DVM; Randall Lockwood, PhD

Objective—To summarize breeds of dogs involved in fatal human attacks during a 20-year period and to assess policy implications.

Animals—Dogs for which breed was reported involved in attacks on humans between 1979 and 1998 that resulted in human dog bite-related fatalities (DBRF).

Procedure—Data for human DBRF identified previously for the period of 1979 through 1998 were combined with human DBRF newly identified for 1997 and 1998. Human DBRF were identified by searching news accounts and by use of The Humane Society of the United States’ registry database.

Results—During 1997 and 1998, at least 27 people died of dog bite attacks (16 in 1997 and 9 in 1998). At least 25 breeds of dogs have been involved in 238 human DBRF during the past 20 years. Pit bull-type dogs and Rottweilers were involved in more than half of these deaths. Of 227 reports with relevant data, 55 (24%) human deaths involved unrestrained dogs off their owners’ property, 132 (58%) involved unrestrained dogs on their owners’ property, 38 (17%) involved restrained dogs on their owners’ property, and 1 (0.5%) involved a restrained dog off its owner’s property.

Conclusions—Although fatal attacks on humans appear to be a breed-specific problem (pit bull-type dogs and Rottweilers), other breeds may bite and cause fatalities at higher rates. Because of difficulties inherent in determining a dog’s breed with certainty, enforcement of breed-specific ordinances raises constitutional and practical issues. Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs. Many practical alternatives to breed-specific ordinances exist and hold promise for prevention of dog bites. (Am J Vet Med Assoc 2000;217:836-840)

From 1979 through 1996, dog attacks resulted in more than 300 human dog bite-related fatalities (DBRF) in the United States. Most victims were children. Studies indicate that pit bull-type dogs were involved in approximately a third of human DBRF reported during the 12-year period from 1981 through 1992, and Rottweilers were responsible for about half of human DBRF reported during the 4 years from 1993 through 1996. These data have caused some individuals to infer that certain breeds of dogs are more likely to bite than others and should, therefore, be banned or regulated more stringently. The purposes of the study reported here were to summarize breeds associated with reported human DBRF during a 20-year period and assess policy implications.

Procedure

We collected data from The Humane Society of the United States (HSUS) and media accounts related to dog bite attacks and fatalities, using methods from previous studies. The HSUS maintains a registry of human DBRF; including date of death, age and sex of decedent, city and state of attack, number and breeds of dogs involved, and circumstances relating to the attack. To supplement HSUS reports, as in the past, a database was searched for accounts of human DBRF that occurred in 1997 and 1998. Our search strategy involved scanning the text of newspapers and periodicals for certain words and word combinations likely to represent human DBRF followed by a review of articles containing those terms. Data obtained from HSUS and news accounts were merged to maximize detection of human DBRF and avoid duplicate reports. One new human DBRF from 1996 was identified in the 1997 and 1998 reports and was added to the existing data for 1996.

A human DBRF was defined as a human death caused by trauma from a dog bite. In addition to excluding 9 human deaths, as described in previous reports (eg, dying of rabies from a dog bite, strangling on a leash or scarf pulled by a dog, dying from fire ant...
bites after being pushed on a mound by a dog, or dying from a motor vehicle or bicycle crash while being chased by a dog), for 1997 and 1998, we excluded 3 additional deaths: death resulting from infection secondary to a dog bite, death attributable to trauma from being knocked over but not bitten, and death resulting from myocardial infarction, which was caused by an individual being chased but not bitten. For the 20-year study, we excluded 4 human deaths from attacks by guard or police dogs "at work" and approximately 90 deaths when breed information for the attacking dog was unavailable; thus, this study included approximately 72% of cases of human DBRF and is not exhaustive.

We tallied data in 2 ways to provide alternatives for breed data interpretation. First, we used a human death-based approach in which we counted whether a particular breed was involved in a death. When multiple dogs of the same breed were involved in the same fatal episode, that breed was counted only once (eg, if 10 Akitas attacked and killed a person, that breed was counted once rather than 10 times). When crossbred dogs were involved in a fatality, each suspected breed in the dog's lineage was counted once for that episode. Second, we tallied data by dog. When multiple dogs of the same breed were involved in a single incident, each dog was counted individually. We allocated crossbred dogs into separate breeds and counted them similarly (eg, if 3 Great Dane-Rottweiler crossbreeds attacked a person, Great Dane was counted 3 times under crossbred, and Rottweiler was counted 3 times under crossbred). Data are presented separately for dogs identified as pure- and crossbred. Lastly, dogs were classified as to whether they were on or off the owners' property and restrained (eg, chained or leashed) or unrestrained at the time of the attack.

### Results

Fatalities during 1997 and 1998—During 1997 and 1998, at least 27 people died as the result of dog bite attacks (18 people in 1997 and 9 in 1998). Of 27 human DBRF, 19 (70%) were children (1 was ≤ 30 days of age, 3 were between 7 and 11 months old, 9 were between 1 and 4 years old, and 6 were between 5 and 11 years old), and 8 were adults (ages 17, 44, 44, 44, 70, 73, 75, and 87). Approximately half (n = 15 [56%]) of the human DBRF were male.

Five (19%) deaths involved unrestrained dogs off the owners' property. 18 (67%) involved unrestrained dogs on the owners' property, 3 (11%) involved restrained dogs on the owners' property, and 1 (4%) involved a restrained dog off the owner's property. Eighteen (67%) deaths involved 1 dog, 5 (19%) involved 2 dogs, and 4 (15%) involved 3 dogs. Sixty percent of attacks by unrestrained dogs off the owners' property involved more than 1 dog.

Fatal attacks were reported from 17 states (California [4 deaths]; Georgia and North Carolina [3 each]; Kansas, Texas, and Wisconsin [2 each]; and Alaska, Arkansas, Colorado, Florida, Kentucky, Massachusetts, Michigan, Missouri, New York, South Dakota, and Tennessee [1 each]). Some breed information was reported for all 27 attacks. As in recent years, Rottweilers were the most commonly reported breed involved in fatal attacks, followed by pit bull-type dogs (Table 1). Together, these 2 breeds were involved in approximately 60% of human deaths.

Twenty-year data—Some breed information was available for 238 human DBRF. More than 25 breeds of dogs were involved in DBRF during the past 20 years (Table 2). Of 227 human DBRF for which data were

### Table 1—Breeds of dogs involved in human dog bite-related fatalities (DBRF) in the United States, by 2-year period, between 1973 and 1996. Death-based approach of counting most frequent purebreds and crossbreeds involved in 7 or more human DBRF

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*Numbers differ from previous reports because police/guard dogs "at work" were excluded, and 1 new DBRF was identified as occurring in 1996. A purebred dog and a crossbred dog of this breed were involved in a single fatality; therefore, that breed is counted only once in the total column.
Table 2—Breeds of dogs involved in human dog bite-related fatalities between 1979 and 1998, using death-based and dog-based approaches

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*A number of dog and a crossbred dog of this breed were involved in a single fatality; therefore, the breed is counted only once in the total column.

NOS = Not otherwise specified.

available, 55 (24%) deaths involved unrestrained dogs off the owners’ property, 133 (58%) involved unrestrained dogs on the owners’ property, 38 (17%) involved restrained dogs on the owners’ property, and 1 (< 1%) involved a restrained dog off the owner’s property.

Four hundred three dogs were responsible for these attacks. There were ad libitum (as many as possible) attacks on the owners’ properties. In 160 human deaths, only 1 dog was involved; in 49 deaths, 2 dogs were involved; and in 15 deaths, 3 dogs were involved. Four and 7 dogs were involved in 3 deaths each; 5, 6, and 10 dogs were involved in 2 deaths each; and 11 and 14 dogs were responsible for 1 death each.

Discussion

Ideally, breed-specific bite rates would be calculated to compare breeds and quantify the relative danger-ousness of each breed. For example, 10 fatal attacks by a breed, 100 fatal attacks by a breed, or a population of 500,000 of a breed X implies a greater risk than 100 attacks by a breed, 500 attacks by a breed, or a population of 5,000,000 of a breed. Without consideration of the population sizes, breed would be perceived to be the more dangerous breed on the basis of the number of fatalities.

Considering only the breeds that resulted in fatalities, because they are more easily ascertained than nonfatal bites, the numerator of a dog, breed-specific human DBRF rate requires a complete accounting of human DBRF as well as an accurate determination of the breeds involved. Numerator data may be biased for 4 reasons. First, the human DBRF reported here are likely underestimated; prior work suggests the approach we used identifies only 74% of actual cases. Second, to the extent that attacks by 1 breed are more newsworthy than those by other breeds, our methods may have resulted in differential ascertainment of fatalities by breed. Third, because identification of a dog's breed may be subjective (even experts may disagree on the breed of a particular dog), DBRF may be differentially ascribed to breeds with a reputation for aggression. Fourth, it is not clear how to count attacks by crossbred dogs. Ignoring these data underestimates breed involvement (29% of attacking dogs were crossbred dogs), whereas including them permits a single dog to be counted more than once. Therefore, we have elected to present data separately for purebred and crossbred dogs to demonstrate at least 2 alternative counting methods. Relative rankings do not change greatly whether one focuses only on purebred dogs or includes crossbred dogs. The crossbreed issue is also problematic when estimating denominators (ie, breed-specific population sizes).

The denominator of a dog breed-specific human DBRF rate requires reliable breed-specific population data. Unfortunately, such data are not currently available. Considering American Kennel Club registration data for Rottweilers in parallel with fatality data for that breed indicates that as the breed has soared in pop-
ularity, so have Rottweiler-related deaths (24,795 registrations from 1979 through 1982 and 0 deaths; 227,273 registrations from 1983 through 1990 and 6 deaths; and 692,799 registrations from 1991 through 1998 and 33 deaths). However, official registration or licensing data are likely to be biased, as owners of certain dog breeds may be less likely than those owning other breeds to register or license their dogs' and, thus, should not be used to calculate these rates. Finally, it is imperative to keep in mind that even if breed-specific bite rates could be accurately calculated, they do not factor in owner-related issues. For example, less responsible owners or owners who want to foster aggression in their dogs may be drawn differentially to certain breeds.

Despite these limitations and concerns, the data indicate that Rottweilers and pit bull-type dogs accounted for 67% of human DBRF in the United States between 1997 and 1998. It is extremely unlikely that they accounted for anywhere near 60% of dogs in the United States during that same period and, thus, there appears to be a breed-specific problem with fatalities.

Although the fatality data are concerning, one must broaden the context to consider both fatal and nonfatal bites when deciding on a course of action. Nonfatal dog bites continue to be a public health problem in the United States. Although this and prior reports4,4 document more than 330 DBRF during a 20-year period, these tragedies represent only the most severe manifestation of the problem. In 1996, nonfatal dog bites resulted in an estimated 585,000 injuries that required medical attention or restricted activity.5 By 1994, an estimated 4.7 million people (1.8% of the US population) sustained a dog bite. Of these, approximately 800,000 (0.3% of the US population) sought medical care for the bite (332,000 in emergency departments), and 6,000 were hospitalized.6 This 36% increase in medically attended bites from 1986 to 1994 draws attention to the need for an effective response, including dog bite prevention programs. Because (1) fatal bites constitute less than 0.0001% of all dog bites annually, (2) fatal bites have remained relatively constant over time, whereas nonfatal bites have been increasing, and (3) fatal bites are rare at the usual political level where bite regulations are promulgated and enforced, we believe that fatal bites should not be the primary factor driving public policy regarding dog bite prevention.

Several interacting factors affect a dog's propensity to bite, including heredity, sex, early experience, socialization and training, health (medical and behavioral), repressive status, quality of ownership and supervision, and victim behavior. For example, a study in Denver of medically attended dog bites in 1991 suggested that male dogs are 6.2 times more likely to bite than females, and intact males are 2.5 times more likely to bite than neutered dogs, and chained dogs are 2.8 times more likely to bite than unchained dogs.7 Communities have tried to address the dog bite problem by focusing on different factors related to biting behavior.

To decrease the risk of dog bites, several communities have enacted breed-specific restrictions or bans. In general, these have focused on pit bull-type dogs and Rottweilers. However, breeds responsible for human DBRF have varied over time. Pincock and Kennedy8 studied human DBRF from May 1975 through April 1980 and listed the following breeds as responsible for the indicated number of deaths: German Shepherd Dog (n = 16); Husky-type dog (9); Saint Bernard (8); Bull Terrier (6); Great Dane (6); Malamute (5); Golden Retriever (3); Boxer (2); Dachshund (2); Doberman Pinscher (2); Collie (2); Rottweiler (1); Basenji (1); Chow Chow (1); Labradore Retriever (1); Yorkshire Terrier (1); and mixed and unknown breed (15). As ascertained from our data, between 1979 and 1980, Great Danes caused the most reported human DBRF; between 1997 and 1998, Rottweilers and pit bull-type dogs were responsible for about 60% of human DBRF. Indeed, since 1975, dogs belonging to more than 30 breeds have been responsible for fatal attacks on people, including Dachshunds, a Yorkshire Terrier, and a Labrador Retriever.

In addition to issues surrounding which breeds to regulate, breed-specific ordinances raise several practical issues. For optimal enforcement, there would need to be an objective method of determining the breed of a particular dog. Pedigree analysts (a potentially time-consuming and complicated effort) combined with DNA testing (also time-consuming and expensive) is the closest to an objective standard for conclusively identifying a dog's breed. Owners of mixed-breed or unregistered (i.e., by a kennel club) dogs have no way of knowing whether their dog is one of the types identified and whether they are required to comply with breed-specific ordinances. Thus, law enforcement personnel have few means for positively determining a dog's breed and deciding whether owners are in compliance or violation of laws.

Some municipalities have attempted to address this classification issue of unregistered and mixed-breed dogs by including within their ordinances a description of the breed at which the ordinance is directed. Unfortunately, such descriptions are usually vague, rely on subjective visual observation, and result in many more dogs than those of the specified breed being subject to the restrictions of the ordinance.

When a specific breed of dog has been selected for stringent control, 2 constitutional questions concerning dog owners' fourteenth amendment rights have been raised: first, because all types of dogs may inflict injury to people and property, ordinances addressing only 1 breed of dog are argued to be underinclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is prohibitively difficult, such ordinances have been argued as unconstitutionally vague, and, therefore, violate due process. Despite such concerns, a number of breed-specific ordinances have been upheld by the courts.9,16

Another concern is that a ban on a specific breed might cause people who want a dangerous dog to simply turn to another breed for the same qualities they sought in the original dog (e.g., large size, aggression easily fostered). Breed-specific legislation does not address the fact that a dog of any breed can become dangerous when bred or trained to be aggressive. From a scientific point of view, we are unaware of any formal
evaluation of the effectiveness of breed-specific legislation on preventing fatal or nonfatal dog bites.

An alternative to breed-specific legislation is to regulate individual dogs and owners on the basis of their behavior. Although, it is not systematically reported, our reading of the fatal bite reports indicates that problem behaviors (of dogs and owners) have preceded attacks in a great many cases and should be sufficient evidence for preemptive action. Approaches to decreasing dangerous dog and owner behaviors are numerous. The potential importance of strong animal control programs is illustrated by our data; from 1979 through 1995, 24% of human DBRF were caused by owned dogs (typically more than 1) that were roaming off the owners property. Some deaths might have been averted through more stringent animal control laws and enforcement (eg, leash laws, fencing requirements). Although the bite prevention effectiveness of such animal control ordinances and programs has not been systematically evaluated, free-ranging dogs and dogs with menacing behavior are problems that need to be addressed even if they do not bite (eg, causing bicycle or car crashes).

Dangerous dog laws can be enacted that place primary responsibility for a dogs behavior on the owner, regardless of the dogs breed. In particular, targeting chronically irresponsible dog owners may be effective. If dog owners are required to assume legal liability for the behavior and actions of their pets, they may be encouraged to seek professional help in training and socializing their pets. Other options include enforcing leash laws and laws against dog fighting. We noticed in the fatal cases, that less than one half of 1% of DBRF were caused by leashless animals off the owners property. Subdivisions and municipalities that outlaw fences or limit fences to heights insufficient for controlling large dogs may be increasing the probability of children interacting with unsupervised dogs. Scientific evaluations of the effects of such regulations are important.

Education of dog owners can address several issues: (1) understanding breed profiles may assist owners in selecting the appropriate dog for their lifestyle and training abilities; (2) convincing owners to seriously consider the sex and reproductive status of their dogs is important because male and sexually intact dogs are more likely to bite than female and neutered dogs, and (3) teaching owners about the importance of socialization and training may decrease their likelihood of owning a dog that will eventually bite.

Veterinarians play a key role in educating pet owners, but because many dogs that bite may not be seen by a veterinarian prior to the bite incident, programs that encourage responsible ownership must also be presented through other venues. Public education strategies should include school-based and adult educational programs addressing bite prevention and basic canine behavior, care, and management. Programs should strive to ensure that dogs receive proper socialization, exercise, and attention; that they are given adequate food, water, shelter, and veterinary care; that they are neutered if they are not maintained for legitimate and responsible breeding purposes, and that they are trained humanely and confined safely. However, like breed-specific legislation, all these approaches remain formally unevaluated for effectiveness.

Targeting and evaluation of prevention efforts requires improved surveillance for fatal and nonfatal dog bites. Dog bites should be reported as required by local or state ordinances, and reports of such incidents should include information about the circumstances of the bite, ownership, breed, sex, reproductive status of the dog, history of prior aggression, and the nature of restraint prior to the bite incident. Collection of data on the entire dog population (eg, breed, age, sex) would help resolve comparative risk issues and may be accomplished by combining paperwork on mandatory rabies immunizations with registration of breed and sex. Only with numerator and denominator data and with formal evaluations of the impacts of strategies tried by various communities will we be able to make science-based recommendations for decreasing the number of dog bites. In the interim, adequate funding for animal control agencies, enforcement of existing animal control laws, and educational and policy strategies to reduce inappropriate dog and owner behaviors will likely result in benefits to communities and may well decrease the number of dog bites that occur.

References
DISCUSSION DRAFT for August 14, 2007 meeting of the Parks, Recreation and Community Enhancement Committee.

- Changes shown in red are those made or agreed upon during the June 12, 2007 PR&CE Committee Meeting. Also, changes were suggested during a meeting with the Kent County S.P.C.A. and Dover Police Department on June 21, 2007 and are also shown in red.
- Some other changes are proposed to incorporate related State Code provisions (e.g., animals, fighting and baiting which is a broader provision than “dog fighting” in the earlier drafts) and to make corrections not previously identified. These changes are also shown in blue.

Outline of the Chapter

Sec. 18-1 Definitions
Sec. 18-2 Appointment of animal control officer, enforcement
Sec. 18-3 Enforcement Contract
Sec. 18-4 Inspection of buildings, dwellings, etc., generally; right of entry of animal control officers
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Sec. 18-10 Rabies vaccination for dogs and cats
Sec. 18-11 Exemptions from identification and registration requirements
Sec. 18-12 Restraint and confinement; penalties for violation of section
Sec. 18-13 Noisy animals or fowl
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Sec. 18-15 Excrement
Sec. 18-16 Vicious or dangerous dogs and animals - Generally
Sec. 18-17 Ownership of Dangerous Breed Dogs, Dangerous dog or animal by persons convicted of felony crime of violence and/or a felony drug conviction.
Sec. 18-18 Special Requirements for the Identification, Registration, and Ownership of Dangerous Breed Dogs
Sec. 18-19 Registration of dangerous breed dogs, dangerous animals and public nuisance animals
Sec. 18-20 Seizure and Impoundment
Sec. 18-21 Abandonment of domesticated animals in a public place or on property of another
Sec. 18-22 Cruelty to Animals
Sec. 18-23 Animals, Fighting and baiting prohibited
Class F Felony
Sec. 18-24 Public nuisances
Sec. 18-25 Impoundment of dogs at-large and nuisance animals.
Sec. 18-26 Sick, injured, or dead animals
Sec. 18-27 Destruction of animals
Sec. 18-28 Keeping bees
Sec. 18-29 Exotic Animal
Sec. 18-30 Interpretation

Chapter 18 ANIMALS

Sec. 18-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean any and all types of animals including birds and fowl, domesticated and wild, male and female, singular and plural.

Animal abandonment includes completely forsaking or deserting an animal originally under one's custody, without making reasonable arrangements for custody of that animal to be assumed by another person.

Animal control officer means a person employed by the city as an enforcement officer, including sworn police officers and the animal control officers of the Kent County Society for the Prevention of Cruelty to Animals (Kent County S.P.C.A.).

Animal shelter and licensed veterinary facility mean any premises so designated by the city for the purpose of impounding and caring for strays, animals found running at-large, or animals in violation of this chapter or state law.

At-large means an animal off the premises of the owner and not under the control of a human being either by leash, cord, and chain or otherwise.

Attacks mean any dog or animal which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal, without provocation, on public or private property.
Attitude of attack means any dog or animal which, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places.

Code Enforcement Officer shall mean and include the Department of Public Services, Division of Planning and Inspections, the City Police Department, the Kent County S.P.C.A or other designated authority charged with the administration and enforcement of this Code and chapter, and a duly authorized representative.

Cruel includes every act or omission to act whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

Cruelty to animals shall have the meanings respectively ascribed to the words and phrases as defined by the state pursuant to Title 11, Chapter 5, Subchapter VII, Subpart A, section 1325, Delaware Code; and, any subsequent amendments thereto.

Custody includes the responsibility for the welfare of an animal subject to one's care and control, whether he owns it or not.

Dangerous means any dog or animal, with a known propensity, tendency, or disposition to attack unprovoked, causes injury or otherwise endangers the safety of human beings or domestic animals.

Dangerous Breed Dogs shall mean:

(1) Akita, Cane Corsa, Chow-Chow, Doberman Pinscher, Mastiff, Pit Bull Terrier, Presa Canario, Rottweiler, any Staffordshire terrier; or a mix of any of the specified breeds; and
(2) Dogs which have been registered at any time as any of the specified breeds; and
(3) Dogs which have the appearance of being predominantly of the breed of dogs as listed on the dangerous breeds list. A dog shall be deemed to have the "appearance of being predominantly of the breed of dogs" if the dog exhibits the physical characteristics which substantially conform to the standards established by the American Kennel Club or the United Kennel Club for any of these breeds.

Comment [R1]: Ruane: the Kent County SPCA suggested that Dover’s ordinance use the “cruelty” to animals provisions of the Del Code as cited here.
If there is some question as to the dog's breed at the time of seizure, the determination shall be made by the Kent County S.P.C.A. If officials classify the dog as one of the dangerous breeds the owner must, within 48 hours of notification that the dog is deemed to conform to the above definition and before redemption of said animal from the Kent County S.P.C.A., register the dog according to the special requirements for dangerous breed dogs outlined in this chapter.

Dogfighting means any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.

Domesticated animal means any animal that is accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, cows, horses, swine, and fowl.

Exotic animal shall mean wild mammals or hybrids of wild animals (mammals whose parents are different varieties of the same species or belong to different but closely allied species, one parent being a wild mammal not native to or generally found in Delaware and the other parent being a domestic mammal native to or generally found in Delaware) or live reptiles not native to or generally found in the State of Delaware (as determined by the Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife), as defined by the state pursuant to Title 3, Delaware Code, for which permits are required by the state pursuant to that chapter. Possession or ownership of any animal, fowl, or reptile that is prohibited by federal or state statute or regulation shall also be defined as an exotic animal.

Farm animal shall mean any animal or fowl commonly found on a farm including, but not limited to, chickens, roosters, ducks, geese, emus, ostriches, all species of pigs/hogs, donkeys, mules, horses, cattle, goats, sheep, llamas, oxen, or any other animal or fowl suitable for slaughter or for the production of milk, eggs, fiber, or feathers.

Comment [C2]: See Fighting and Baiting Definition.

Comment [R3]: From Newark code at 5-1. Dover Code uses “wild” animal reference and definition at 18.1.

Comment [R4]: Add farm animal instead of having separate section on “swine” as in Dover at 18.3.
Fighting and baiting shall mean a person who owns, possesses, keeps, trains or uses any bull, bear, dog, cock or other animal, or fowl, for the purpose of fighting or baiting; or a person who is party to or who causes any such fighting or baiting of any bear, dog, cock or other animal, or fowl; or a person who shall rent or otherwise obtain the use of a building, shed, room, yard, ground or premises for the purpose of fighting or baiting any animal or fowl, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground or premises belonging to the person or under the person's control, for any of the purposes of fighting or baiting.

Fowl shall mean any and all fowl, male and female, domesticated and wild, singular and plural, but shall not include registered racing or homing pigeons.

Food and drink includes providing each animal with daily food and water of sufficient quality and quantity to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Microchip means a subcutaneous full duplex electronic radio transponder.

Owner means any person, partnership, association, or corporation owning, keeping or harboring a dog or other animal. Any animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

Public nuisance animal means any domestic animal or group of domestic animals which:

1. At-large. Is repeatedly found at-large;
2. Property damage. Damages the property of anyone other than its owner; and
3. Menaces passesby or chases passing vehicles or, or bicycles, exhibits behavior which requires a defensive action by any person to prevent physical contact, bodily injury or property damage when such person is conducting himself peacefully and lawfully, or engages in an attack which results in property damage;
4. Noise. Barks, whines or howls in an excessive, continuous or untimely fashion.;
(5) Odor. Creates an odor which is noxious or offensive, and/or which constitutes a substantial annoyance, convenience or injury to the public;

(6) General welfare. Interferes with the health, comfort, safety or enjoyment of property; offends the sense of decency of the public as a result of unsanitary conditions in the area where such animals are kept; and/or creates a danger to the public health as determined by the State Division of Public Health Department of Public Services, Division of Planning and Inspections.

Restraint means when a dog or other animal is controlled by a leash, cord, chain, or under the control of an owner or other responsible person and obedient to that person's commands, or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

Secure enclosure means a secure enclosure for a vicious or dangerous animal when it is not confined in a locked building shall mean a pen, or a fenced area, or a dog-run area, on the premises of its owner or of any other person authorized by the owner to harbor such animal and which pen, fenced area or dog-run area, shall be kept locked, all sides of which shall be six feet in height or, if less than six feet in height, shall have a secured top, and if it has no bottom secured to the sides, then the sides shall be embedded into the ground to a depth of not less than one foot. Any such enclosure shall be subject to inspection by the Department of Public Services, Division of Planning and Inspections or by any animal control officer in order to assure compliance with the provisions of this chapter.

Shelter includes providing each animal with adequate shelter from the weather elements as required to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Stray means a domesticated animal for which ownership is not established or, for which, the owner disclaims future responsibility.
Vicious or dangerous dog or animal means any dog or animal which constitutes a physical threat to a human being or other animal by virtue of attacks of such number and/or severity as to be likely to cause property damage or physical injury. Evidence of a prior instance of an animal biting a human being, without provocation, shall be prima facie evidence that the dog or animal is vicious or dangerous. This term is further defined in Section 18-16.

Wild animal means any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, boa, python, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

Unlicensed means any dog not licensed according to state, county, or city law.

Sec. 18-2 Appointment of animal control officer, enforcement

(a) The Chief of Police may appoint persons to act as animal control officers.

(b) No person shall interfere with, hinder, delay, or impede an animal control officer or police officer in the enforcement of the provisions of this article.

(c) No person shall falsely represent to any animal control officer or police officer his or her address or identity as the person possessing, owning, harboring, or caring for the impounded animal, or other required information.

(d) Animal control officers shall have all powers of police officers of the city, limited, however, to the powers and authority incident to the enforcement of this chapter and other statutes, ordinances and regulations concerning the regulation of animals and fowl. The Kent County S.P.C.A., or other agency authorized by contract to enforce this chapter, shall be designated an instrumentality of the city created pursuant to Title 9, Del. C., only for the purpose of immunities conferred on said agency, and its employees by the Tort Claims Act, 10 Del.C., Chapter 40, unless otherwise provided by said authorizing enforcement contract.
(e) Any person convicted of a violation of subsections (a) and (b) of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Sec. 18-3 Enforcement Contract

(a) The Dover Police Department shall enter into an annual contract with the Kent County S.P.C.A. or other non-profit corporation organized for similar purposes to perform the duties of enforcing certain provisions of this chapter.

(b) The Kent County S.P.C.A. shall be authorized, under the enforcement contract, as the designated agency for registrations under this Chapter and to require payment for such registrations in accordance with such contract.

(c) If the contracting party is an organization other than the Kent County S.P.C.A., all references to the Kent County S.P.C.A. shall refer to the actual contracting party.

Sec. 18-4 Inspection of buildings, dwellings, etc., generally; right of entry of animal control officers

(a) The animal control officer shall have the right to enter upon any outside premises at all reasonable times for the purpose of discharging the duties imposed upon them by this chapter where they deem it necessary for the welfare of an animal or public safety.

(b) The code enforcement officer is hereby authorized to make inspections to determine the condition of buildings, dwellings, and premises including the land on which the same are located and including vacant lots, located within this city, in order that he may perform his duty of safeguarding the health and safety of the occupants of buildings, dwellings and land, and the general public. For the purposes of making such inspections, the code enforcement officer is hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 5:00 p.m. all buildings, dwellings, lands and premises. The owner or occupant of every building, dwelling, land and premises, or the person in charge thereof, shall
give the code enforcement officer free access to such building, dwelling, land and premises during such time for the purpose of such inspection, examination and survey; provided, that such inspection, examination or survey shall not have for its purpose the undue harassment of such owner or occupant and that such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to such owner or occupant consistent with the efficient performance of the duties of the code enforcement officer.

(c) Nothing in this section shall be construed to prohibit the entry of the code enforcement officer:

(1) At any time when an actual emergency which tends to create an immediate danger to public safety or to the health and safety of the animal exists, or
(2) At any time when such an inspection, examination or survey may be requested by such owner or occupant; provided, however, that any such requested inspection, examination or survey is otherwise authorized and, further, that nothing herein shall be construed to mean that the code enforcement officer is required to perform such requested inspection, examination or survey.

(d) For purposes of this section and the enforcement provisions of this Code, "code enforcement officer" shall mean and include the Department of Public Services, Division of Planning and Inspections, the City Police Department, the Kent County S.P.C.A or other designated authority charged with the administration and enforcement of this Code and chapter, and a duly authorized representative. The lead agency in the city government in enforcing this provision is the City Police Department.

Sec. 18-5 Restriction on the number of animals allowed

(a) It shall be unlawful for any person to possess, own, harbor, or care for more than four animals within the city except that a litter of puppies, kittens, or other young animals which may be kept for a period of time not exceeding five months from birth, as long as the mother is on the premises. The intent of this section is to restrict the number of animals to four within any household or other location unless otherwise exempted. The animal control officer or police officer

Comment [R15]: Taken from 5.4 Newark Code. Dover has provision in Zoning Code at 1.15 (d), but better placed here within Animal Control provisions. Dover zoning restricts number at “not more than three dogs over six months old and not more than 25 fowl”.

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is authorized to remove animals to reduce the number to that which is authorized by this ordinance.

(b) Pet fish are excluded from this subsection.

(c) This section shall not apply to any establishment where animals are kept in a licensed pet shop for commercial sale or boarding by a licensed facility or at licensed zoos or accredited educational institutions.

d) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Sec. 18-6 Keeping swine

It shall be unlawful and a nuisance for any person to keep any swine or to erect any pen, pigsty or other building or enclosure for the keeping of swine, without a permit, in writing, therefore from the health inspector. The health inspector shall not issue any permit which shall allow the keeping of swine or the erecting of any structure for keeping swine in an area of the city that has been subdivided.

Sec. 18-7 Running at-large

(a) Permitting unlawful. It shall be unlawful for any person to permit any animal to run at-large.

(b) Duties of police and animal control officer. It shall be the duty of every police officer and animal control officer to apprehend any dog, cat, or any other animal found running at-large contrary to the provisions of this section and to impound it. Such person shall make a record of the breed, color and sex of the dog, cat, or any other animal and the number of its license tag, if any. A compilation of the records of all dogs, cats, or any other animals caught and impounded shall be maintained at the police headquarters station. Should any police officer or animal control officer be unable, after using reasonable and diligent efforts, to apprehend such animal, he may destroy it for humane reasons, or to protect the public from imminent danger to persons or property.

Comment [R16]: Fine included here rather than at end of chapter to better associate specific fine with specific violation. Taken from Newark at 5.4 (d).

Comment [R17]: Delete this and substitute Farm Animal definition and references as in Newark’s ordinance at 5.1.

Comment [R18]: A fine provision will have to be added here. Currently fine is at 18-17 (a) (2) “not less than $25 or more than $100 for each violation”.

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(c) Authority of citizens. Any citizen of the city may take up any animal found running at-large and deliver it to an animal control officer or police officer, or other authorized person, to be impounded.

(d) Notice to owner. It shall be the duty of the animal control officer or police officer or other person taking or impounding any animal to notify the owner, if known, within a reasonable time, either personally or by a written notice left at his usual place of abode or, if unknown, by five or more written or printed notices posted in public places within the city.

(e) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense.

Sec. 18-5. Dog licenses required.
(a) Generally. The owner or lawful possessor of any dog shall obtain a license for his dog pursuant to 7 Del. C. § 1702, and any owner or possessor who shall fail to comply with the provision of the laws of the state shall be punished as provided in section 1-17.
(b) Enforcement. The provisions of this section may be enforced by any police officer or by any person designated to act as an animal control officer. (Code 1981, § 4-4.1; Ord. of 8-28-1995)

Sec. 18-8 Dog licenses required

(a) No person residing within the city shall possess, own, harbor, or care for a dog over the age of six months unless such dog is currently licensed and is wearing a tag or other device as provided by state law.

(b) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense.
Sec. 18-9 Animal Identification and Registration

(a) No person residing within the city shall possess, own, harbor or care for an animal over the age of four months unless such animal can be identified by a recognized microchip that has been implanted in the animal by a licensed veterinary facility or the Kent County S.P.C.A. and has been allocated a unique identification number and registered with the Kent County S.P.C.A. pursuant to the following procedures:

(1) Implementation is to be subcutaneous in the dorsum between the scapulae in such a way that the microchip lies at an oblique angle to the plane of the skin.
(2) Before a microchip is implanted in an animal, the animal is to be scanned to ensure that it does not already have a functioning microchip properly implanted.
(3) The microchip to be implanted is, immediately before it is implanted, to be scanned to ensure that it is functioning properly and to check that its scanned number is as shown on the supporting documentation applicable to it as the unique identification number allocated to the microchip.
(4) Immediately after the implantation, the animal is to be scanned to confirm proper implantation and functioning of the microchip.
(5) The unique identification number and related information about the animal, as outlined in, shall be registered with the Kent County S.P.C.A.

(b) Registration with the Kent County S.P.C.A. shall include the following information:

(1) The unique identification number allocated to the microchip implanted in the animal in connection with the identification of the animal,
(2) The name of the authorized identifier who identifies the animal and any license number allocated to the identifier in connection with his or her accreditation/licensing,
(3) The date on which the animal was identified,
(4) The full name and residential address of the owner of the animal together with any other available contact details for the owner,
(5) The address of the place at which the animal is ordinarily kept,

Comment [R21]: The annual contract between the City Police Dept. and the Kent County SPCA will have to be modified to reflect this activity and establish reasonable fees for such implantation and registrations. In our discussions the Kent County SPCA has also suggested a different fee schedule for spayed or neutered animals. The option is also provided for the implantation to be made at a licensed veterinary facility provided the identification information is later registered at the Kent SPCA.
(6) The type of animal (dog or cat, etc.), and the breed of the animal,
(7) The animal’s date of birth (known or approximate),
(8) The animal’s gender,
(9) The animal’s color and details of any unusual or identifying marks on the animal.
(10) Whether the animal has been spayed or neutered.

(c) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $150.00 for each subsequent offense.

Sec. 18-10 Rabies vaccination for dogs and cats

(a) Any person residing within the city possessing, owning, harboring, or caring for a dog or cat six months of age or older shall have the dog or cat vaccinated against rabies by a veterinarian and shall ensure the animal continues to receive the required vaccinations to maintain its immunity to rabies. The person possessing, owning, harboring, or caring for the dog or cat shall be responsible for keeping a valid rabies vaccination certificate in his possession for inspection by the animal control officer.

(b) Any person convicted of a violation of section of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense.

Sec. 18-11 Exemptions from identification and registration requirements

(a) Identification and registration shall not be required for Seeing Eye dogs, or government police dogs.

(b) Dogs or cats belonging to a nonresident of the city and kept within the boundaries of the city for not longer than 30 days; provided, that all dogs and cats of nonresidents shall at the time of entry into the city be properly vaccinated against rabies, and while being kept within the city, shall meet all other requirements of this chapter.
(c) Any owner claiming either of these exemptions has the burden of proving to the satisfaction of the animal control officer that the dog or cat in question is used in one of such capacities.

Sec. 18-12 Restraint and confinement; penalties for violation of section

(a) All animals shall not only be kept under restraint at all times, but also, while on any public street, highway, lane, alley, or sidewalk, or in or on any part of any public park or parkland, public square, or other public space, or in or on any open space that is private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular animal and shall be securely muzzled as may be required elsewhere in this chapter.

If, in any park that is located partly or entirely in the city, there is a designated area for dogs to be without a leash or chain, but with their owners or other responsible persons, then the requirement of a leash or chain shall not apply but only within such designated area.

(b) No owner shall fail to exercise proper care and control of his domestic animals to prevent them from becoming a public nuisance.

(c) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(d) (1) Every dangerous animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure and, whenever off the premises of its owner or the owner's agent, shall be securely muzzled and be restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length, or be caged. Every person harboring a dangerous animal is charged with an affirmative duty to confine his animal in such a way that children do not have access to such animal.

No person shall own or harbor any animal for the purpose of animal-fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging such animal to perpetrate unprovoked attacks upon human beings or domestic animals.
(2) In addition:

a. It shall be unlawful: (i) for any animal to attack any person or another animal with or without the command of its owner; or (ii) for any animal to attack any person or another animal with or at the command of its owner, in which case, the intent of the owner to have the attacking animal injure the person or animal shall be presumed and the attack shall be deemed to be an assault.

No one under the age of 18 years may own, control or attempt to control a dangerous animal.

b. It shall be unlawful for any person under the age of 18 years to purchase any dog in the city. It shall be unlawful for any person regardless of age to sell or transfer the ownership of any dog without proof of required inoculations and a license that is valid at the time of such sale or transfer.

c. It shall be the responsibility of the owner of any animal to exercise due diligence to move the animal away from others whenever on any city sidewalk or alley or other area of public access. It shall be unlawful for any owner to permit his or her animal to interfere with pedestrian traffic on any public sidewalk, road, street, alley or other public space. In that regard, any person who is a pedestrian walking without an animal, shall have and be afforded the right-of-way.

(e) Any person convicted of any violation of subsections (a) through (d) of this section, or the parent or guardian of a juvenile found to have violated any of subsections (a) through (d), shall pay a mandatory and non-suspendable fine of at least the minimum fine for each offense as follows:

(1) For a violation of subsection (a) of this section, a fine of not less than $250.00 nor more than $500.00 for the first offense, a fine of not less than $500.00 nor more than $1,000.00 for the second offense, and a fine of not less than $1,000.00 for each subsequent offense, except that the owner of any animal, not within the property limits of its owner or within a vehicle being driven or parked on the public streets which, without provocation, bites a person shall be fined
not less than $250.00 nor more than $1,000.00 for the first offense, shall be fined not less than $500.00 nor more than $1,000.00 for the second offense, and shall be fined not less than $1,000.00 nor more than $5,000.00 for each subsequent offense, unless the provisions of subsection (d) of this section apply.

(2) For a violation of subsection (b) of this section, a fine of not less than $250.00 nor more than $1,000.00 for the first offense, a fine of not less than $500.00 nor more than $1,000.00 for the second offense, and a fine of not less than $1,000.00 nor more than $5,000.00 for each subsequent offense.

(3) For a violation of subsection (c) of this section, a fine of not less than $250.00 nor more than $1,000.00 for the first offense, a fine of not less than $500.00 nor more than $1,000 for the second offense, and a fine of not less than $1,000.00 for the third offense.

(4) For any violation of subsection (d) of this section which shall be classified a misdemeanor, a fine of not less than $500.00 nor more than $1,000.00 for the first offense, and a fine of not less than $1,000.00 for each subsequent offense.

Upon conviction in any court of an offense under subsection (d) of this section, the court shall cause a report to be forwarded to the State Department of Natural Resources and Environmental Control. Such report shall contain the name of the defendant, the name of the animal, the license number of the animal, the date of the offense and the date of the conviction. In addition, for each violation, there shall be a mandatory impoundment of the animal and discretionary review by the Delaware Society for the Prevention of Cruelty to Animals Kent County S.P.C.A. to determine whether the animal should be destroyed pursuant to Section 18-16. The Delaware Society for the Prevention of Cruelty to Animals Kent County S.P.C.A. may consider any evidence material to whether such animal constitutes a threat to human beings or other animals.

Comment [R25]: Changed to $1000 from $2500 because the City Charter allows a max of $1000. This amount could be raised when the Charter is revised.

Comment [R26]: 
(5) When there is a third offense, the animal control officer may seize animal and the person shall be disqualified from owning an animal for a period of five years.

Sec. 18-13 Noisy animals or fowl

a) Prohibited. No person shall keep or maintain any animal or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the city. Such action is declared to be a public nuisance and detrimental to the public health and welfare.

(b) Notice; abatement; fine. It shall be the duty of every police officer or animal control officer to act upon complaints made by persons concerning animals violating subsection (a) of this section. Each police officer and animal control officer investigating the same shall give 48 hours' notice to the person owning or having control of any animal causing frequent or long continued noise such as to disturb the comfort or repose of persons in the city. The person owning or controlling said animal shall have a period of 48 hours from the date of receipt of said notice to abate the nuisance by disposing of the animal or by controlling the noise emitted by the same. In the event that the person owning or controlling said animal shall fail to do so within said period of time and if the animal continues to cause noise as it has in the past, the person owning or controlling said animal shall be deemed to be maintaining a public nuisance and shall be subject to a fine in the amount prescribed in section 1-17 until such nuisance is abated.

(c) It shall be a misdemeanor for any person or custodian to fail to abate the nuisance caused by the frequent, habitual, or long-continued noise of the animal or fowl after receiving notice thereof.

(d) Any person convicted of a violation of subsection (c) of this section shall pay a mandatory minimum fine of not less than $50.00 for the first offense, not less than $100.00 for the second offense, and not less than $200.00 for each subsequent offense.
Sec. 18-14 Hitching to public trees

(a) It shall be unlawful and a nuisance for any person to hitch or fasten any animal to any public ornamental or shade tree. Any police officer or other authorized person may impound such animal.

(b) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $25.00 for the first offense, not less than $50.00 for the second offense, and not less than $100.00 for each subsequent offense.

Sec. 18-15 Excrement

(a) Deposits prohibited. No person having possession, custody or control of any animal shall knowingly or negligently permit any dog or other animal to deposit excrement upon any gutter, street, driveway, alley, curb or sidewalk in the city, or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants, or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park, or upon any private property other than the property of the owner of such animal.

(b) Removal. Any person having possession, custody or control of any dog or other animal which deposits excrement in any area other than the private property of the owner of such dog or other animal, as prohibited in subsection (a) of this section, shall be required to immediately remove the said excrement from the surface and either:

(1) Carry the same away for disposal in a toilet; or

(2) Place the same in a nonleaking container for deposit in a trash or litter receptacle.

(c) Exceptions. The provisions of this section shall not apply to a guide dog accompanying any blind person, or a dog used to assist any other physically disabled person, or the animals used in any police activities of the city or to horses used by persons for the purpose of transportation on public roadways. Horses on private property other than the owner's must have their droppings removed by the owner.
(d) Enforcement. For the purpose of enforcing the provisions of this section, notice of violation shall be issued by police officers or any other persons authorized to enforce this Chapter.

(e) Compliance. If the excrement is properly disposed of by the owner or person in charge of the animal, it will not be considered a violation of subsection (a) of this section.

(f) Accumulations. Every owner of, or person responsible for, one or more dogs or cats animals or fowl shall take all reasonable measures to prevent the accumulation of animal excreta in the area in which such animals are customarily kept. No such owner shall allow animal excreta to accumulate so as to create obnoxious or offensive odors.

(g) Violations; penalties. Any person convicted of violating the provisions of this section shall be punished as provided in section 1-17. Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

(h) Any person convicted of a violation of subsection (f) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense.

Sec. 18-16 Vicious or dangerous dogs and animals--Generally

(a) Tort; abuse of animal; crime. Notwithstanding the definitions of a vicious or dangerous dog or animal as set forth in subsection (a) of this section, no dog or animal may be declared vicious or dangerous if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or animal, or
has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

(c) **Defending human being.** No dog or animal may be declared vicious or dangerous if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, a person was teasing, tormenting, abusing, or assaulting the dog or animal. No dog or animal may be declared vicious or dangerous if the dog or animal was protecting or defending a human being within the immediate vicinity of the dog or animal from an unjustified attack or assault.

(d) **Destruction of animal generally.** Any vicious or dangerous domestic animal, any wild animal, or any sick or injured animal, other than a dog carrying a current license tag, may be destroyed immediately after impounding. Any other animal shall be held for three days, except that dogs carrying a current license tag shall be held for five days.

(e) **Destruction for public safety or humane reasons.** When, in the judgment of the Kent County S.P.C.A. or animal control officer, it is determined that any animal should be destroyed for humane reasons, or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein.

(f) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250 for the first offense, not less than $500 for the second offense, and not less than $750 for each subsequent offense.

(g) **In addition, persons convicted of a violation of this section shall be prohibited from owning, possessing, controlling, or having custody of any dog for a period of up to 3 years.** A violation of this prohibition shall constitute a misdemeanor.
Sec. 18-17 Ownership of Dangerous Breed Dogs, Dangerous dog or animal by Persons Convicted of Felony Crime of Violence and/or a Felony Drug Conviction

No person convicted of a felony crime of violence and/or a felony drug conviction within the past ten (10) years shall be permitted to own or possess a dangerous breed dog or dangerous dog or animal.

Sec. 18-18 Special Requirements for the identification and registration and ownership of Dangerous Breed dogs.

(a) Only persons 21 years of age or older who have complied with the licensing and identification and registration requirements, shall be allowed to own, keep or harbor a dangerous breed dog inside the city limits.

Such ownership is subject to the following conditions:

(1) All dangerous breed dogs in the city must be licensed, identified and registered within six (6) months of the adoption of this chapter.

Newly acquired dangerous breed dogs or dangerous breed dogs belonging to people moving into the city must be licensed, identified and registered at the Kent County S.P.C.A. within 30 days of the event. Documentation showing acquisition of the new dog (bill of sale or adoption contract) and/or relocation to the city, as evidenced by a signed lease or purchase agreement, will be required to identify and register a dangerous breed dog after June 16, 2000 the adoption of this chapter.

For purposes of registration, the owner shall provide the following:

(a) A photograph of the animal showing its size and color;

(b) Proof of owner's age through valid state issued identification card (e.g., driver's license) or certified birth certificate;

(c) Proof of owner's address through two documents, one of which must contain a photograph, the other being in the form of a utility bill, mortgage payment or lease;
(d) Certification by a licensed veterinarian that the dangerous breed dog has been identified by the implantation of a recognized microchip in accordance with the provisions of this chapter and the identification number of that microchip.

(e) Certification by a licensed veterinarian that the dangerous breed dog has been neutered or is incapable of enduring neutering (in the case of a male dog) or the dangerous breed dog has been spayed or is incapable of enduring spaying (in the case of a female dog). Under no circumstances shall a dangerous breed dog that has not been neutered or spayed be registered, except where the dog meets the criteria of subsection (2) of this section.

A provisional registration will be issued valid through the date the dog reaches six four months of age if the dangerous breed dog is incapable of enduring the procedure because it is too young as certified by a licensed veterinarian and all other registration requirements have been satisfied. The dangerous breed dog shall be fully registered subject to undergoing the procedure within the effective period of the provisional registration; veterinarian certification shall be provided no later than ten days after the procedure has been performed while the provisional registration is in effect; and

(f) Proof of home ownership (e.g., deed, homeowner's policy, mortgage coupon) or lease with express written permission from the landlord allowing said dog to be harbored on the premises.

(2) A provisional registration will be granted for a period of 12 months, subject to renewal, if the following criteria are met:

a. The dog is American Kennel Club (AKC) and/or United Kennel Club (UKC) registered and has actively competed as a show dog in either AKC or UKC sanctioned events within the past year;
b. The dog has passed a dog obedience class;
c. The dog is certified annually as a "canine good citizen" by the AKC; and
d. The owner has complied with the registration requirements set forth in subsection (1)(a), with the exception of (1)(a)e.
(3) The tag issued under Section 18-8 of this chapter shall be attached to the dangerous breeds collar and the collar and tag shall be worn by the animal at all times.

(4) Upon registration, the document issued shall be carried by the owner at all times and the owner must produce it upon request. Whenever the dangerous breed dog leaves the premises, the registration information must be carried by the person who is in possession of the dog.

(5) Whenever the dangerous breed dog is in public, it shall at all times be kept in accordance with the requirements of Section 3-11 except that dangerous breed dog shall be secured by a leash or chain not to exceed six feet in length. Under no circumstances shall a person under the age of 21 accompany a dangerous breed dog without the registered owner present unless the person and the dog are within 100 feet of the dog's residence and the dog is leashed in accordance with the provisions of this subsection. It shall be unlawful for the owner of any registered dangerous breed dog to allow the dangerous breed dog to enter any park located partly or entirely within the city without a muzzle, whether accompanied by the owner or not.

(6) The owner of a dangerous breed dog must, within ten days of the incident, report in writing, and the following information to the city:

a. The removal from the city or death of a licensed and registered dangerous breed dog;
b. The new address of the owner of the dangerous breed dog owner should the owner move; or
c. Transfer of dog ownership to another party. The new owner must comply with all requirements set forth herein for registration of dangerous breed dog within 30 days of transfer, as set forth in subsection (a)(1).

(7) Breeding of dangerous breeds in the city is strictly prohibited. For violations of this provision, all puppies shall be seized and become the property of the Kent County S.P.C.A. for appropriate disposition. The provisional registration of the animal shall be revoked unless immediate action is taken by the owner to comply with the spay/neuter requirement, and fines shall be levied pursuant to Section 18-9.
(c) The registration requirements of this section shall not apply to:

(1) A person temporarily holding a **dangerous breed dog** in the city for the purpose of showing the dog in a place of public exhibition, contest, or show sponsored by a dog club, association or similar organization. The sponsor of the exhibition or show must obtain written permission from the city and must provide protective measures adequate to prevent the dog from escaping or injuring the public. The dog shall, at all times during the transportation to and from the show or exhibition, be confined in a secure temporary enclosure.

(2) A **dangerous breed** dog owned by a governmental entity or by a licensed security service, provided the animal is trained and used to perform police, correctional, fire or search and rescue services, or any service dog trained by a certified guide dog agency and providing service to a handicapped individual.

(3) Any dog housed at the Kent County S.P.C.A.

(d) A violation of any provision of this section shall result in the dangerous breed being confiscated and impounded. A fine of $500.00 for any single or initial violation and of $1,000.00 shall be assessed for each repeat or continuing violation.

Sec. 18-19 Registration of **dangerous breeds**, dangerous animals and public nuisance animals

Whenever the Kent County S.P.C.A. determines that any dog of any breed, or mixed breed, meeting the criteria set forth in the definition of **dangerous breed dogs**, dangerous animals, or public nuisance animals, subsections (1), (2), or (3), the dog shall be registered according to the special requirements set forth in Section 18-18 within ten days of being declared a dangerous breed dog, a dangerous animal or public nuisance animal, and enforcement provisions set forth in this chapter shall apply.

(XX) The Kent County S.P.C.A. shall be authorized, under the enforcement contract, as the designated agency for registrations under this Chapter and to require payment for such registrations.
(e) The provisions of this section shall apply in addition to and not in lieu of the animal control provisions of this Code, including but not limited to provisions concerning the licensing of dogs, standards for keeping dogs and the keeping, confinement and impoundment of dangerous domestic animals or public nuisance animals.

Sec. 18-20 Seizure and impoundment.

(a) Person bitten. When a person has been bitten by a vicious or dangerous dog or animal, the person, or parent, guardian or person standing in loco parentis of the person, and the person owning the animal or in control or possession of the animal shall notify the city police department immediately and give the name and address of the person bitten and the owner of the animal, along with a description of the animal. All animals that bite a person shall be immediately confined for ten days in a city-approved animal shelter or licensed veterinary facility, at the expense of the owner.

(b) Confinement. If the owner of an animal that has bitten a person can provide proof of currently valid rabies vaccination, that animal may be quarantined on the premises of the owner or custodian.

(c) Impoundment if not confined. Any dangerous or vicious animal may be impounded by an animal control officer or police officer to protect the public safety. Said impoundment will be in a city-approved animal shelter or licensed veterinary facility at the owner's expense. No dangerous or vicious animal will be returned to the owner unless said animal is confined by the owner within a building or secured enclosure and shall be securely muzzled or caged whenever off the premises of its owner. Every person harboring a vicious or dangerous animal, vicious or dangerous dog or a wild animal is charged with an affirmative duty to confine said animal in such a way that the public does not have access to such animal, confined in accordance with Section 18-12 of this chapter.

Comment [R41]: This language will have to be revised in the final draft to refer to the section that describes the confinement requirements as taken from Wilmington’s code. See blue insert.
State law references: Similar provisions, 3 Del. C. § 8208.

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Sec. 18-21 Abandonment of domesticated animals in a public place or on property of another

No person shall abandon any dog, cat, or domesticated animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another.

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

Sec. 18-22 Cruelty to animals

(a) For the purpose of this section, the following words and phrases shall include, but not be limited to, the meanings respectively ascribed to them as follows:

(1) "Abandonment" includes completely forsaking or deserting an animal originally under one's custody without making reasonable arrangements for custody of that animal to be assumed by another person.
(2) "Animal" shall not include fish, crustacea or molluska.
(3) "Cruel" includes every act or omission to act whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.
(4) "Cruel mistreatment" includes any treatment whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.
(5) "Cruel neglect" includes neglect of an animal, which is under the care and control of the neglector, whereby pain or suffering is caused to the animal or abandonment of any domesticated animal by its owner or custodian. By way of example, cruel neglect shall also include allowing an animal to live in unsanitary conditions, such as
keeping an animal where the animal's own excrement is not removed from the animal's living area and/or other living conditions which are injurious to the animal's health.

(6) "Cruelty to animals" includes mistreatment of any animal or neglect of any animal under the care and control of the neglector, whereby unnecessary or unjustifiable physical pain or suffering is caused. By way of example this includes: Unjustifiable beating of an animal; overworking an animal; tormenting an animal; abandonment of an animal; failure to feed properly or give proper shelter or veterinary care to an animal.

(7) "Custody" includes the responsibility for the welfare of an animal subject to one's care and control whether one owns it or not.

(8) "Person" includes any individual, partnership, corporation or association living and/or doing business in the State.

(9) "Proper feed" includes providing each animal with daily food and water of sufficient quality and quantity to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(10) "Proper shelter" includes providing each animal with adequate shelter from the weather elements as required to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(11) "Proper veterinary care" includes providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

(12) "Serious injury" shall include any injury to any animal which creates a substantial risk of death, or which causes prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.

(b) A person is guilty of cruelty to animals when the person intentionally or recklessly:

(1) Subjects any animal to cruel mistreatment; or
(2) Subjects any animal in the person's custody to cruel neglect; or
(3) Kills or injures any animal belonging to another person without legal privilege or consent of the owner; or
(4) Cruelly or unnecessarily kills or injures any animal whether belonging to the actor or another. This section does not apply to the killing of any animal normally or commonly raised as food for human consumption, provided that such killing is not cruel. A person acts unnecessarily if the act is not required to terminate an animal's suffering, to protect the life or property of the actor or another person or if other means of disposing of an animal exist which would not impair the health or well-being of that animal; or

(5) Captures, detains, transports, removes or delivers any animal known to be a domestic farm animal, pet or companion animal, or any other animal of scientific, environmental, economic or cultural value, under false pretenses to any public or private animal shelter, licensed veterinary clinic or other facility, or otherwise causes the same through acts of deception or misrepresentation of the circumstances and disposition of any such animal.

Paragraphs (1), (2) and (4) of this subsection are inapplicable to accepted veterinary practices and activities carried on for scientific research.

Pursuant to state law, cruelty to animals is a class A misdemeanor, unless the person intentionally kills or causes serious injury to any animal in violation of paragraph (4) of this subsection or unless the animal is killed or seriously injured as a result of any action prohibited by paragraph (5) of this section, in which case it is a class F felony.

(c) Any person convicted of a misdemeanor violation of this section shall be prohibited from owning or possessing any animal for 5 years after said conviction, except for animals grown, raised or produced within the State for resale, or for sale of a product thereof, where the person has all necessary licenses for such sale or resale, and receives at least 25 percent of the person's annual gross income from such sale or resale. Any
person convicted of a second or subsequent misdemeanor violation of this section shall be prohibited from owning or possessing any animal for 5 years after said conviction without exception.

A violation of this subsection is subject to a fine in the amount of $1,000 in any court of competent jurisdiction and to forfeiture of any animal illegally owned in accordance with the provisions of 3 Del. C. § 7904.

(d) Any person convicted of a felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction, except for animals grown, raised or produced within the State for resale, or for sale of a product thereof, where the person has all necessary licenses for such sale or resale, and receives at least 25 percent of the person's annual gross income from such sale or resale. Any person convicted of a second or subsequent felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction without exception.

A violation of this subsection is subject to a fine in the amount of $5,000 in any court of competent jurisdiction and to forfeiture of any animal illegally owned in accordance with the provisions of 3 Del. C. § 7904.

(e) Any Animal Control Officer agent of the Delaware Society for the Prevention of Cruelty to Animals, or, in Kent County of this State, of the Kent County Society for the Prevention of Cruelty to Animals, may impound an animal owned or possessed in apparent violation of this section, consistent with 3 Del. C. § 7904.

(f) This section shall not apply to the lawful hunting or trapping of animals as provided by law.
Sec 18-23 Animals; fighting and baiting prohibited; class F felony

(a) A person who owns, possesses, keeps, trains or uses any bull, bear, dog, cock or other animal, or fowl, for the purpose of fighting or baiting; or a person who is party to or who causes any such fighting or baiting of any bear, dog, cock or other animal, or fowl; or a person who shall rent or otherwise obtain the use of a building, shed, room, yard, ground or premises for the purpose of fighting or baiting any animal or fowl, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground or premises belonging to the person or under the person's control, for any of the purposes described in this section, shall be guilty of a class F felony pursuant to State law.

(b) A person who is present at a building, shed, room, yard, ground or premises where preparations are being made for any exhibition prohibited by this section, knowing that such exhibition is taking place or about to take place is guilty of a class A misdemeanor pursuant to state law.

(c) All animals, equipment, devices and money involved in a violation of this section shall be forfeited to the Kent County S.P.C.A. Animals so forfeited shall be disposed of in a humane manner.

(d) No prosecution for any offense under this section shall be commenced after 1 year from the commission of such offense.

(e) Any person convicted of a felony violation of this section shall be prohibited from owning or possessing any animal for 15 years after said conviction.

Sec. 18-24 Public nuisances

(a) Notice to owner. A reasonable attempt shall be made to notify the owner of any animal suspected of constituting a public nuisance.

(b) Impoundment. Every public nuisance animal shall, upon demand, be delivered to the animal control officer or a police officer. It shall be unlawful for the owner of a public nuisance animal to refuse to surrender such animal to the animal control officer or
police officer. A public nuisance animal which has been impounded by the animal control officer or police officer may be redeemed by the owner only upon the conditions established in this chapter.

Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

(c) Unredeemable animals. Any animal found unredeemable shall be disposed of in a humane manner. Impoundment of said animal is at the owner's expense.

Sec. 18-25 Impoundment of dogs at-large and nuisance animals

Dogs at-large and nuisance animals may be taken by an animal control officer or police officer and impounded in an animal shelter or licensed veterinary facility at the owner's expense. At the discretion of the animal control officer or police officer, such dog or animal may be left in the custody of its owner and said owner shall be issued a summons for a violation of this chapter.

) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.

) After the third offense of any dog at-large or nuisance animal shall, upon demand, be delivered to the Kent County S.P.C.A. It shall be unlawful for the owner of a public nuisance or at-large animal to refuse to surrender such animal to a control officer. Such refusal is punishable of a fine of $20.

) Any dog at-large or nuisance animal which has been impounded by the animal control officer may be redeemed by the owner only upon the conditions established in this chapter. Any animal found unredeemable by the Kent County S.P.C.A. shall be disposed of in a humane manner.
Sec. 18-26 Sick, injured, or dead animals

(a) Disposal. No person shall deposit, place, or throw any dead or sick animal or fowl, or part thereof, on any public or private place. When any animal dies on the premises of the person possessing, owning, harboring, or caring for such animal, he shall dispose of such animal immediately by burial or removal to a veterinarian or to the Kent County S.P.C.A. or the humane society. Animals may be buried on the private property of the person owning, possessing, harboring, or caring for such animal, or other private property with the permission of the property owner.

(b) Conveyance. No person shall carry or convey any dead animal through or upon the street or public place unless the same is so covered that no part of it is exposed to view and no odors can emanate there from.

(c) Any person convicted of a violation of subsection (a) of this section shall pay a mandatory minimum fine of not less than $500.00 for the first offense, not less than $750.00 for the second offense, and not less than $1,000.00 for each subsequent offense. Any person convicted of a violation of subsection (b) of this section shall pay a mandatory minimum fine of not less than $100.00 for the first offense, not less than $200.00 for the second offense, and not less than $300.00 for each subsequent offense.

Sec. 18-27 Destruction of animals

Except as prescribed in Section 18-16(e), destruction of animals shall be performed at a designated animal shelter or licensed veterinary facility.

Sec. 18-28 Keeping bees

(a) Location of beehives from structures and businesses. Beehives for the housing of bee colonies shall not be located closer than 150 feet from residential structures, hospitals, public eateries, churches, offices or schools.

(b) Maintenance permitted at educational and farm facilities; exemption. Universities, colleges, museums and farms of two acres or more may maintain hives on their properties in a safe manner, provided that the
hives meet a 40-foot setback requirement from buildings on adjacent properties. Universities, colleges, museum facilities and farms of two acres or more are exempt from the 150-foot setback requirement for buildings that are located on their properties.

(c) Declared nuisance; removal. Any beehive that is declared a nuisance by a majority vote of the city council may be required to be removed or relocated.

Sec. 18-17. Violations; fines.
(a) Any person convicted of a violation of this chapter shall pay a mandatory and nonsuspendable fine of at least the minimum fine for each offense as follows:
(1) Any person convicted of violating the provisions of section 18-7 shall be sentenced to pay a fine not less than $10.00, or more than $100.00 for each violation.
(2) Any person convicted of violating the provisions of sections 18-3, 18-4, 18-5, 18-8, and/or 18-13 shall be sentenced to pay a fine of not less than $25.00, or more than $100.00 for each violation.
(3) Any person convicted of violating the provisions of section 18-6 shall be sentenced to pay a fine not less than $50.00, or more than $100.00 for each violation.
(4) Any person convicted of violating the provisions of sections 18-9, and/or 18-12 shall be sentenced to pay a fine of $100.00 for each violation.
(b) Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.

Sec. 18-29 Exotic Animal

(a) Any person keeping, maintaining, or possessing an animal that is exotic in Delaware as defined in Section 18-1 must obtain a permit under 3 Del. C § 7201 for said animal within 30 days of the effective date of this chapter from the Department of Agriculture.

(b) Any person convicted of a violation of this section shall pay a mandatory minimum fine of not less than $250.00 for the first offense, not less than $500.00 for the second offense, and not less than $750.00 for each subsequent offense.
Sec. 18-30 Interpretation.

This chapter is to be interpreted in a manner which allows the greatest protection of the citizenry of this city and the most humane treatment of animals, while allowing the greatest possible freedom to well-trained animals under control of a competent person.
5. Updates

B. John W. Pitts Recreation Center
- Progress meetings held on July 10th & 24th with architect, city staff, and contractor
- Foundation work is completed and metal building is scheduled to be delivered in the first week of August.
- Project continues to be moving on schedule.

C. Planning and Funding for New Library
- Interviews for the Project Coordinator position are being arranged.
- Kent County Levy Court has approved a reimbursement plan for the Library Tax Fund Balance. The reciprocal borrowing distribution rate will be $2.65 instead of $1.95 per book for FY04, FY05, FY06, & FY07. The City of Dover will receive $605,962.25 from the KC Library Tax Fund balance.
## Status of FY-2005 Program Funds Spent - Fiscal Year 7/1/05-6/30/06

<table>
<thead>
<tr>
<th>2005 Grant Projects</th>
<th>Project Details</th>
<th>Total Grant</th>
<th>Funds Encumbered</th>
<th>Funds Expended</th>
<th>Unencumbered Balance</th>
</tr>
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<tbody>
<tr>
<td>City Facilities ADA Improvements</td>
<td>water fountains are being installed throughout city buildings.</td>
<td>$35,000</td>
<td>$34,275</td>
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<td>$725</td>
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<td>*Housing Rehabilitation Program</td>
<td>5 rehabs completed</td>
<td>$67,838</td>
<td>$67,838</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Microenterprise Assistance</td>
<td>underway</td>
<td>$15,000</td>
<td>$15,000</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Dover Community Partnership, Inc.</td>
<td>city's portion for 219 Cecil rehab is completed.</td>
<td>$46,000</td>
<td>$46,000</td>
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<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$163,838</td>
<td>$163,113</td>
<td></td>
<td>$725</td>
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</tbody>
</table>

* Rehab Projects
1500 W. State College Road - completed
75 Mckee Road - completed
30 N. New Street - completed
649 Nimitz Road - completed
397 Post Blvd. - completed
### Status of FY-2006 Program Funds Spent - Fiscal Year 7/1/06-6/30/07

<table>
<thead>
<tr>
<th>2006 Grant Projects</th>
<th>Project Details</th>
<th>Total Grant</th>
<th>Funds Encumbered</th>
<th>Funds Expended</th>
<th>Unencumbered Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Ownership Assistance</td>
<td>Seven (7) First time homebuyers provided settlement assistance</td>
<td>$86,283</td>
<td>$83,168</td>
<td>$3,115</td>
<td></td>
</tr>
<tr>
<td>Streets Project</td>
<td>Paving of sidewalks and curbs on South Kirkwood Street completed</td>
<td>$135,000</td>
<td>$128,357</td>
<td>$6,643</td>
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</tr>
<tr>
<td>*Housing Rehabilitation Program</td>
<td>4 homes underway</td>
<td>$67,479</td>
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<td>$67,479</td>
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<tr>
<td>RC &amp; D Emergency Home Repairs</td>
<td>10 homes completed</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$0</td>
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</tr>
<tr>
<td>Dover Community Partnership, Inc.</td>
<td>underway</td>
<td>$25,000</td>
<td></td>
<td>$25,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$338,762</strong></td>
<td><strong>$236,525</strong></td>
<td><strong>$102,237</strong></td>
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</tr>
</tbody>
</table>

* Rehab Projects
27 Fieldstone Court
612 N. West Street
630 River Road
63 Mitscher Road