



**CITY OF DUBLIN
ADMINISTRATIVE ORDERS
OF THE CITY MANAGER**

ADMINISTRATIVE ORDER 1.26
TO: All City Employees
FROM: Jane S. Brautigam City Manager
SUBJECT: Dangerous and Vicious Animals
DATE: December 4, 2003
New Administrative Order

I. PURPOSE

This Administrative Order shall constitute the City's official policy regarding dangerous and vicious animals. In particular, the City is establishing a procedure to declare dogs as dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances.

II. PROCEDURE

Following a complaint to any City employee or staff member that a dog has engaged in any activity or is of a breed that would qualify as dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances, a hearing shall be held in Dublin Mayor's Court. The owner, keeper, harbinger, or some other responsible person shall receive notice of the hearing by regular and certified mail. Pursuant to Section 91.28 of the Dublin Codified Ordinances, any dog that, without provocation, engages in any of the following activities or is of a specified breed, that dog shall be considered dangerous and/or vicious:

1. Without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

2. Has killed or caused serious injury to any person;
3. Has caused injury, other than killing or serious injury, to any person, or has killed another dog;
4. Belongs to a breed that is commonly known as a pit bull dog. The ownership, keeping, or harboring of such a breed of dog shall be prima-facie evidence of the ownership, keeping, or harboring of a vicious dog.

At the hearing, the Law Director's Office shall produce evidence and/or testimony that the dog engaged in activity or is of a breed that would qualify as dangerous and/or vicious as set forth above. The owner, keeper, harborer, or some other responsible person may produce evidence or testimony that the dog does not meet the above listed criteria. Following the hearing, the Mayor, Magistrate or their designee shall make a determination that the dog is dangerous and/or vicious. Following this determination, any owner, keeper, harborer, or some other responsible person, shall be required to abide by all of the requirements set forth in Dublin Codified Ordinances §§ 91.28 and 91.29.

Any owner, keeper, harborer, or some other responsible person of a dog that has been declared to be dangerous and/or vicious as defined in Section 91.28 of the Dublin Codified Ordinances may appeal to the City Manager or the Manager's Designee. Any appeal shall be made within ten (10) days of the initial determination that the dog is dangerous and vicious. Such appeal shall be heard by City Manager or the Manager's Designee within thirty (30) days of the date in which the appeal is filed. The owner, keeper, harborer, or some other responsible person shall receive notice of the appeal hearing by regular and certified mail. The appeal shall be a de novo review where the Law Director's Office is required to produce evidence and/or testimony that the dog engaged in activity or is of a breed that would qualify as dangerous and/or vicious as set forth above. The owner, keeper, harborer, or some other responsible person may produce evidence or testimony that the dog does not meet the above listed criteria.

III. CONCLUSION

The City of Dublin has a responsibility to protect its resident and visitors from dangerous and vicious dogs. Accordingly, any dog that has been declared dangerous and/or vicious shall be required to abide by all the requirements set forth in Dublin Codified Ordinances §§ 91.28 and 91.29. All of the relevant sections regarding the dangerous and vicious animals can be found in the Dublin Codified Ordinances. If any questions regarding dangerous and vicious animals arise, the employee or staff member should contact the Law Director's Office for assistance