



**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**

**To** Robert W. Healy, City Manager

**Date** August 6, 1987

**From** Joseph E. Connarton, City Clerk

**Reference**

**Subject** Requests for report

Please be reminded that the City Council has requested a report relative to the communication from Robert J. LaTremouille regarding the height of residential construction in Business A zoning districts.

Furthermore, the City Council has referred for your review and action Communication No. 13 relative to a request for a permit for a non-alcoholic Oktoberfest to be held on Sunday, October 11th, 1987.

Furthermore, the City Council has referred to you for report Communications 25 relative to alleged hazardous waste at the premises numbered 151 Putnam Avenue and No. 26 from William S. Noble.

Also, the City Council has referred to the Animal Commissioner Communication No. 32 relative to current animal control laws regulating pit bulls. Please be reminded the City Council has scheduled a public hearing on this matter for Monday, September 14, 1987 beginning at 7:00 p.m. and has requested the City Solicitor and Animal Control Officer to be present.

Finally, the City Council has referred Communication No. 35, relative to Carl Barron's concern regarding the rubbish and garbage at 580 Massachusetts Avenue.

Thank you for your cooperation in this matter.

JEC/mh

# GUIDELINES FOR

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## REGULATING

# DANGEROUS or VICIOUS DOGS

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the

**MSPCA**

Massachusetts Society for the Prevention of Cruelty to Animals  
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**The Humane Society of the United States**  
2100 L St. N.W., Washington, DC 20037

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## GUIDELINES FOR REGULATING VICIOUS OR DANGEROUS DOGS

### Introduction

Many communities around the country are reassessing their laws relating to vicious or dangerous dogs. In some instances this has been the result of serious dog bite incidents that have focused attention on the inadequacies of existing regulations. In other cases legislators have attempted to address the problem before such an incident takes place. The Humane Society of the United States (HSUS) has been asked to assist many communities in improving their vicious dog laws. We have not produced a "model ordinance" relating to this problem since, in reviewing a variety of existing laws, we have concluded that different areas can have very different types of problems. We feel that each community should carefully assess its problems and the reasons why existing laws may have been ineffective and then take appropriate action to correct these shortcomings.

### **Why are New Laws Necessary?**

Most existing laws relating to the control of dangerous animals are derived from centuries-old English Common Law. This approach has failed to recognize the complex role of dogs in our culture and changing social trends that have resulted in widespread keeping of potentially dangerous animals. Also, most laws fail to take into consideration modern knowledge about animal behavior, animal welfare and the epidemiology of animal bites. Finally, many existing laws place the burden of punishment on the offending animal, when in fact it is an irresponsible owner who is usually the direct or indirect cause of dangerous incidents.

### **What Changes Are Generally Needed?**

Most laws limit dog owners' liability for their dogs' actions to situations in which they have knowledge of the animal's "vicious propensity". Although this is generally intended to mean any knowledge that the animal was likely to commit an injury, this has often been interpreted to mean that the owner must be aware of some prior bite incident. This has popularly been referred to as a "free bite" or "one bite" rule. The existence of a prior attack is often seen as the major indicator that an animal is vicious. This approach has several problems:

First, the growing popularity of large and/or aggressive dogs makes it a reality that an animal's first bite is likely to be severe or even fatal. Thus many communities want to be able to identify problem situations before they result in injury.

Second, the concept of "vicious propensity" implies that all dog bites are the result of a behavior problem of the animal. However, we now know that this is only part of the problem. A dog's tendency to bite is a product of at least five factors:

- the dog's genetic predisposition to be aggressive
- the early socialization of the animal to people
- its training for obedience or mistraining for fighting
- the quality of care and supervision provided by the owner
- the behavior of the victim.

All of these factors interact, thus an inherently aggressive dog which is well trained and responsibly supervised may present little or no danger, whereas an affectionate animal with little genetic tendency to bite may become dangerous if poorly socialized, unsupervised, mistreated or provoked.

Good regulations should recognize all of these possibilities and provide for appropriate actions. They should be written with the understanding that any dog may become "dangerous" under the wrong circumstances.

Another common problem with existing vicious dog statutes is that the animal suffers the consequences of its owner's irresponsibility. The animal may face destruction or lengthy impoundment, while the owner may receive little or no punishment. In addition, many irresponsible owners are chronic offenders of animal control laws. Thus ordinances should be constructed that impose serious, escalating fines on owners who are clearly unwilling or unable to adequately control their animals.

### Assessing Your Needs

The first step in refining dangerous dog laws is to thoroughly evaluate the special problems and needs of your community. A surprising number of animal control ordinances are introduced without ever consulting with the people most affected by these laws. We suggest that information should be gathered from animal control agencies, local humane societies, veterinarians and/or local veterinary associations, health departments, police, the mayor's office or community boards, kennel or breed clubs, the general dog-owning public, and fish and game or wildlife authorities.

Such information can be obtained from records of previous hearings. If no such hearings have been held, then the public hearing process should be a part of your legislative effort.

Be sure to request information from the appropriate experts as well as from the general public. The information that should be gathered when assessing problems related to dangerous dogs should include:

- Estimates of the number of dogs in the area and, if possible, some idea of the types of dogs owned and the reasons for ownership (companion, guard, working, etc.)
- Estimates of the percentage of dogs that are presently licensed (this ranges from less than 10% to about 80%)
- Reports on the incidence of dog attacks and, if known, a breakdown of the breeds, license status and other information about these incidents
- Reports from law enforcement and/or animal control officers on difficulties they have encountered in enforcing existing ordinances
- Reports on the number of citations, impoundments and quarantines
- Police reports on incidence of animal cruelty, organized dog fighting and "street" dog fighting in the area
- Testimony from public hearings on the nature of common animal problems in the area, including comments on the responsiveness of law enforcement and/or animal control to these complaints
- Reports from agriculture or fish and wildlife authorities on problems related to dog attacks on livestock or wildlife
- Testimony from kennel clubs, breed clubs, veterinarians and local humane organizations on the nature of dog ownership in the community and their perceptions of existing problems
- Reports from postal authorities, utilities and other public services that might be having a problem with dangerous dogs

#### Reviewing Existing Laws

The evaluation process described above should enable a community to characterize the major dog problems. In some areas the problem may be a large number of animals at large. Other areas may have a high number of "bad" dogs kept for protection. Possession of trained fighting dogs may be a common problem in other regions. Once the problems have been identified more clearly, the community should evaluate existing laws. The following questions should be asked:

- Do current laws address each of the problem areas?
- Are they being enforced?
- Is there a problem with repeat offenders?

If existing laws do not seem to be working, the community should look for the source of the problems. Common shortcomings of animal control laws include:

- Inadequate budget or manpower to enforce the laws
- Inadequate training to effectively deal with problem animals in a humane way
- Low priority given to animal control issues

- Poor community education about existing animal laws and the importance of compliance with these laws
- Community opposition to some provision(s) of existing laws
- Lack of judicial support in upholding effective penalties

### Designing or Modifying a Basic Dangerous Dog Law

Once you have identified the problems posed by dangerous dogs and the shortcomings of existing codes, it may be necessary to create new ordinances or rewrite existing ones. A workable dangerous dog law should address the problem in the following way:

1. Define what is meant by a "vicious" or "dangerous" dog
2. Establish the procedures by which a dog comes to be considered vicious or dangerous
3. Establish the actions that may be taken if an owner contests the designation of his or her dog as dangerous
4. Establish the actions that must be taken by the owner of a dog considered to be dangerous
5. Describe the penalties that will be assessed if the dog owner does not comply with the above requirements

### Defining a "Vicious" or "Dangerous" Dog

As we noted above, one of the most common problems with existing laws is that they do not identify a potentially dangerous animal until after someone has been injured, rather than attempting to prevent injuries. In reality, most bite instances have been preceded by circumstances that should have given warning that a potentially dangerous situation existed. In some cases there is no question that a problem exists. For example, the traditional criterion of a prior unprovoked bite is sufficient for considering an animal dangerous. Other circumstances might be subject to dispute. For example, witnesses may disagree on whether or not a particular incident might have been provoked. For this reason, some judgements should be made following a hearing.

Effective dangerous dog ordinances require a good reporting and recording system for keeping track of injuries caused by animals. If your laws do not already provide for mandatory reporting of dog bites to the health department, animal control or some other agency, then such a provision should be instituted. The revision of dangerous dog laws also provides a good opportunity to update licensing and rabies vaccination regulations.

The procedures outlined below should enable a community to identify animals and their owners who are causing problems, while still protecting the rights of responsible dog owners.

## Indications of a Dangerous Animal

The following characteristics should automatically characterize an animal as dangerous. That is, no hearing should be required. However, a provision must be included that would enable an owner to request a hearing if he or she disagrees with the facts used to designate the animal as dangerous.

"Dangerous Dog" means:

- (1) Any dog which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property or
- (2) Any dog which, according to the records of the appropriate authority, has killed a domestic animal without provocation while off the owner's property or
- (3) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting

(Optional)

- (4) Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property

Note that in the above definitions, one prior serious bite is considered sufficient to define a dog as dangerous. Several existing laws allow a dog two or even three prior bites. We feel that this is inconsistent with basic principles of responsible pet ownership. The owner of any dog that has caused injury should be prepared to take immediate action to prevent further problems. If the circumstances surrounding this single instance are in dispute, then the owner has the option of a hearing and possible appeal, as described below.

## Indications of a Dangerous Animal Following a Hearing

Many circumstances could be used to identify a potentially dangerous animal. A hearing could then be held to make a final determination. The format of the hearing, the composition of the panel, and the appeal process will vary depending on whether this ordinance is enacted at the city, county or state level. One possible format for this provision follows:

" A Determination Hearing shall be conducted by <insert appropriate authority> whenever there is cause to believe that a dog may be a "dangerous animal" as defined in <insert section>. Said hearing shall be conducted within five (5) days of serving notice to the owner by certified letter. "

" Pending the outcome of such a hearing, the dog must be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian. "

" The <appropriate authority> shall determine whether to declare the animal to be a "dangerous animal" based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, Health Department personnel, Animal Control personnel, police or any other person possessing information pertinent to such determination. "

" The <appropriate authority> shall issue written findings within five (5) days after the Determination Hearing. The owner or possessor of the animal found to be dangerous by this hearing has the right to appeal the decision within three (3) days of receiving such decision to the <appropriate agency for appeal>. "

The following criteria are among those that could be used to define an animal as "potentially dangerous" and thus prompt a hearing according to the procedures described above:

- (1) Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack

This provision would cover animals that have threatened people, but which have not caused injuries. Our analysis of dog bite cases suggests that many serious incidents are preceded by a history of such "close calls".

- (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals

This is the general wording used by many existing ordinances. It is a "catch all" category that could be used to institute a hearing if neighbors, postal workers, utility workers or others feel that there is cause. Since pets are often the focus of neighborhood disputes, this provision should be made formal enough to avoid "nuisance" complaints against a pet owner, but at the same time it should provide citizens with legitimate complaints an opportunity to initiate appropriate action against an irresponsible owner of an animal that is likely to cause harm.

One approach to achieving this balance is to require an investigation if a sworn complaint is received from one or more residents of the community. This could be worded as follows:

" Upon receipt of an "Affidavit of Complaint" signed by one or more residents of <community> made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the animal, the address of the owner and the description of the animal doing such act, the <appropriate authority> shall investigate the complaint to determine if in fact the animal is dangerous. "

- (3) Any dog which, on three separate occasions within a twelve month period has been observed being unrestrained or uncontrolled off its owner's premises by <appropriate animal control or wildlife authority> or has been impounded by <appropriate authority> for being unrestrained or uncontrolled off its owner's premises

Animals that are repeatedly loose, even if not vicious, constitute a public nuisance and a potential threat to public health. In addition, many animals that later do cause injury have a history of running at large. Even well-behaved animals can become a serious threat in a pack situation. This provision addresses all of these problems. It is recognized that any dog might slip out on one or two occasions. The actual number to be used can be modified in accordance with the particular problems that exist in the community.

#### Exemptions for Animals that are Provoked

A sound dangerous dog ordinance should recognize that some bite situations are not precipitated by the dangerous nature of the animal but are brought on by the actions of the victim. Some allowance should be made to deal with situations in which the attack was provoked. Such provisions could be worded as follows:

" No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. "

#### Other Exemptions

Existing ordinances often make specific exemptions for dogs used in law enforcement. Some additional exemptions may need to be spelled out relating to dogs used in hunting, since these might be used to chase wild animals.

#### Breed-Specific Definitions of "Dangerous"

One of the most controversial subjects in animal control legislation is the use of breed descriptions to automatically characterize a dog as vicious or dangerous or in some other way restrict or regulate ownership of the breed. Thus far, such breed-specific regulations have been specifically aimed at "pit bulls", although breed clubs and other groups have expressed fears that such restrictions might be extended to other breeds in the future.

The attached article "Vicious Dogs", reprinted from the Humane Society News, describes many of the problems associated with breed-specific ordinances. Briefly, such laws fail to address the fact that most problems with dangerous dogs are due to irresponsible ownership, which can be compounded by the popularity of owning aggressive animals. In addition, many local humane organizations have reported that the media attention given to controversies over breed-specific legislation has actually increased the demand for pit-bulls.

Most breed-specific laws have faced court challenges from local or national breed organizations. These laws have generally been challenged on the basis of overinclusiveness, underinclusiveness, vagueness and violation of fourteenth ammendment protection.

Although several pit-bull specific laws have been struck down, others have been unopposed or have survived court challenges in areas where unique circumstances seem to warrant them.

- An ordinance banning American Pit Bull Terriers in Tijeras, New Mexico was upheld at the trial level.
- A Shawnee, Kansas ordinance requiring pit bull owners to confine their animals and carry liability insurance and banning any new aquisitions of pit bulls was upheld, citing "dangerous conditions in the city."
- Cincinnati, Ohio enacted an ordinance prohibiting the sale or purchase of pit bulls within the city limits which was amended to provide for confinement of these animals. A challenge to that ordinance was dismissed.
- Since April of 1984 Cambridge, Massachusetts has required the muzzling of pit bulls when off the owner's property. That law has not been challenged.
- Chester, Pennsylvania requires that owners of pit bulls must purchase special permits at \$500 per year and \$3,000 for each above three and must post a \$20,000 bond and confine animals in a secure place. That law was upheld in District Court.

Additional proposed or enacted ordinances are outlined on the attached list: "Pit Bull and Vicious Dog Legislation".

The question remains whether such breed-specific laws are any more effective in protecting the public than a general, comprehensive dangerous dog law such as that outlined here. Several new non-breed-specific laws, on which we have based many of our suggestions, have been effective in controlling problems related to all types of dangerous dogs, including pit bulls.

In the communities where it can be documented that specific breeds (and their owners) create special problems, breed-specific regulations that impose the least possible infringements on responsible owners of the breed seem to have a better chance of receiving public and/or judicial support. In any case, hastily constructed rules that concentrate on only one issue should not be seen as a complete solution to problems posed by dangerous dogs and irresponsible owners.

## Actions to be Taken By Owners of Dangerous Dogs

### Dogs Involved in Unprovoked Fatal or Severe Attacks

Although there is often an outpouring of public sentiment in support of animals that have inflicted fatal or severe injuries, the HSUS believes that it is usually in the best interests of the public and responsible dog owners that a dog responsible for an unprovoked severe or fatal attack be humanely euthanized following a hearing to clarify the circumstances of the incident. The definition of "serious" or "severe" attack may vary. It is suggested that this be based on the extent of injuries as indicated by the type of medical intervention necessary, duration of hospitalization and projected length of recovery of the victim.

### Dogs Involved in Provoked Fatal or Severe Attacks

A dog that has inflicted fatal or severe injuries under circumstances which indicate that the animal was provoked is still a potential hazard. The owner of such an animal should be required to take the actions outlined below for dangerous dogs.

### Dogs Defined as Dangerous as a Result of a Hearing or Automatic Definitions Outlined Above

Dogs involved in not-fatal or non-severe bites should be quarantined and/or impounded for observation in accordance with existing rabies control ordinances for the area. This period of quarantine meet the requirements of applicable rabies control laws, but should not exceed 14 days.

The following actions should be required of owners of animals that have been designated as "dangerous" by the procedures described above:

#### 1. Licensing, Registration and Rabies Inoculation

The ordinance should note that all requirements for keeping any dog must be met by the owner of a "dangerous" dog. The community may wish to add a designation of "dangerous" to the registration records of such an animal, or may elect to require a special registration.

## 2. Positive Identification of the Animal

It is essential to be able to positively identify any dog that has been designated as dangerous. Presently, the most effective way of permanently and positively identifying dogs is by tattooing. Rhode Island state law words this as follows:

" The owner or keeper shall, at his own expense, have the licensing number assigned to such dog, or other such number as the city or town clerk or other licensing authority shall determine, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or town police department... The dog officer may, in his discretion, designate the particular location of said tattoo. "

In addition, the law should specify that the animal wear a conspicuous (e.g. bright orange) collar that would identify it as a dangerous dog.

## 3. Notification of Change of Status

It is also essential that the appropriate authorities be informed of any change in the status of a dangerous dog that might affect public health and safety. This provision may be worded as follows:

" The owner or keeper shall notify the <appropriate authority> within twenty-four (24) hours if a dangerous dog is loose, unconfined, has attacked another animal or has attacked a human being or has died or has been sold or given away. If the dog has been sold or given away the owner or keeper shall provide the <authority> with the name, address and telephone number of the new owner, who must comply with the requirements of this ordinance"

## 4. Proper Confinement of the Dog

Animals that have been declared dangerous should immediately be kept in a humane way that also protects the public. It is not enough to simply attach the dog to a heavy chain. Many severe attacks have been attributed to animals that either were chained, or who broke their restraints. This provision could be worded:

" While on the owners' property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog. "

In addition, owners of dogs that have been designated as dangerous should be required to post signs notifying the public of the presence of such an animal:

" The owner or keeper shall display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display a sign with a warning symbol that will inform children of the presence of a dangerous dog"

#### 5. Control and/or Muzzling while Off Owner's Property

A good ordinance must recognize that humane care may require that the animal be taken off the owners' property for exercise, veterinary care or other needs. The law should insure that the dangerous dog will be under close supervision and control at these times. This may be worded as follows:

" A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal. "

#### Optional Provisions

Municipalities around the country have added other provisions to their dangerous dog ordinances designed to further reduce the problems caused by irresponsible ownership of aggressive dogs. These provisions may or may not be appropriate for your community and some need not be applied to animals that are considered potentially dangerous, but which have not caused injuries.

#### 6. Spay/Neuter Requirement for Animals Designated "Dangerous"

Although spaying or neutering will not necessarily reduce the probability that an animal will act aggressively, such a requirement may help reduce the number of animals with a genetic predisposition to bite and will also prevent owners of dangerous dogs from profiting from the sale of offspring of these animals, which has been a major factor in the rapid growth of this problem.

#### 7. Insurance Requirements or Bond

Many victims of dog attack are unable to recover medical expenses because the dog owner is uninsured or underinsured. Some municipalities require that the owners of dangerous dogs show proof of liability insurance or post bond. The amount specified should be reasonable and obtainable. Suggested wording for such a provision is:

" The owner or keeper of a dangerous dog shall present to the <appropriate authority> proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), covering the 12 month period during which licensing is sought. This policy shall contain a provision requiring the <community> to be named as an additional insured for the sole purpose of the <community> to be notified by the insurance company of any cancellation, termination or expiration of the policy. "

#### 8. Owner Education/ Community Service

Since many of the problems posed by dangerous dogs are directly related to irresponsible pet ownership, some communities are beginning to require that violators of animal control laws attend mandatory classes on responsible care. These classes are modelled after those required for violators of traffic regulations. Such a provision will depend upon the resources available from animal control agencies and local humane societies.

#### 9. Provisions for Inspection

To be effective, a dangerous dog ordinance should empower the appropriate authorities to make whatever inquiry is deemed necessary to ensure compliance with the provisions. These measures will be more effective if such inspections occur on a regular basis (at least twice a year).

#### 10. Euthanasia Option

If the owner or keeper of a dog that has been designated dangerous is unwilling or unable to comply with the above regulations for keeping such an animal then he or she should have the animal humanely euthanized by an animal shelter, animal control agency or licensed veterinarian, after a 14 day holding period. Any dog that has been designated as dangerous under these laws may not be offered for adoption.

#### 11. Banishment of Dangerous Dogs

Rather than establishing guidelines for responsible actions to be taken by the owners of dangerous dogs, some communities have passed ordinances that simply require that the animal be removed from the community's boundaries. Obviously this does not address the cause of these problems and only serves to move them into another jurisdiction.

#### 12. Authorization of Funding for A Licensing Drive

Several communities have used the occasion of the passage of more stringent animal control laws to enact legislation that specifically provides for funding for a campaign to educate the public about the requirements for licensing animals and about the new provisions relating to dangerous dogs.

### 13. Injuries to Seeing-Eye Dogs or Blind Persons

Some communities have instituted special regulations requiring that the owner of any dog that, while off the owner's property, assaults, bites or otherwise injures a blind person or guide dog, shall be liable to the blind person for double all damages sustained. Such damages are to be recovered in a civil action.

### 14. Liability of Parents for Damages Caused by Dog Owned by Minor

Recent reports have indicated that a significant number of potentially dangerous dogs are owned by adolescents or other minors. Regulations should stipulate that if the owner or keeper of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications of the ordinance for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog.

### Penalties

Many existing animal control ordinances consider aggressive dogs to be a trivial problem and apply correspondingly small penalties. We now know, however, that the problems caused by irresponsible ownership of such animals can be severe and must be treated accordingly. Check your local ordinances and state laws to determine how penalties should be structured to conform to applicable criminal codes.

Many communities have imposed rules that specify strict liability of dog owners for any unprovoked injuries to people or domestic animals, regardless of the owner's prior knowledge of the animal's dangerous nature or vicious propensity. This provision alone is not a sufficient response to the growing problems produced by dangerous dogs, but this requirement, if made part of a well-publicized revision of existing laws, can create a more effective deterrent to irresponsible ownership.

Most dog owners are responsible citizens, but some are chronic offenders of existing laws, particularly leash laws. Ordinances can be made more effective by imposing an escalating scale of fines for repeat offenses of having a dog at large. Typical provisions of this kind stipulate \$25 for a first offense, \$200 for a second and \$500 for any subsequent violations. Note that under the rules outlined in these guidelines, the dog would automatically be classified as dangerous after the second offense.

Regulations should specify strict penalties for owners of animals that have been judged to be dangerous who fail to comply with the requirements for responsible care of such animals.

Failure to license or register such an animal within five working days, or have the animal tattooed or obtain liability insurance within thirty days should carry a fine of at least \$250. A second failure to comply with these rules could result in confiscation of the animal.

If a dog previously judged to be dangerous is found to be at large or improperly leashed and muzzled in public place, the fine should be \$500, in keeping with the guidelines outlined above.

If a dog previously designated as dangerous is responsible for the unprovoked killing of a domestic animal while off the owner's property or if such a dog shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in such an attack, the owner should be liable for fines of up to \$10,000 plus full liability for damages. In addition the appropriate authority should be empowered to confiscate and destroy the dog if the conduct of the animal or its owner or keeper constituted a violation of the provisions of this ordinance.

#### Assessing and Refining Changes to Dangerous Dog Laws

It is likely that any ordinance relating to dangerous dogs will need to undergo some "fine-tuning". Some provisions may prove difficult to enforce with the resources that are available. Others might generate an unexpected amount of local controversy. Some communities have recognized this and have instituted new provisions on a temporary basis. For example, it may be stipulated that the new regulations will expire after a period of three years unless retained by appropriate vote. This is called a "sunset provision."

In any case, the impact of any new ordinances should be thoroughly assessed on a regular basis; at least yearly. The information to be gathered should be the same as that recommended for the original evaluation of the problem, including information on bites, animal complaints, citations and licensing trends.

We hope that with careful attention to the issues outlined in these guidelines, communities will be able to establish laws that protect the public and, at the same time, do not place unnecessary burdens on responsible owners of well-behaved animal or cause undue hardship for a dog who is the innocent victim of an irresponsible owner.

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Massachusetts Society for the Prevention of Cruelty to Animals

Founded 1868

Main Office • 350 South Huntington Avenue • Boston, MA 02130 • (617) 522-7400

July 28, 1987

OFFICE OF CITY CLERK

1987 JUL 31 AM 10:34

CAMBRIDGE MA.

Dear Members of the City Council:

The very real danger posed by uncontrolled, aggressively trained and bred dogs, and the inadequacy of current animal control laws to effectively protect both people and animals have been highlighted recently by several highly publicized attacks by "pit bulls".

The MSPCA believes that the problem of dangerous dogs is addressed best legislatively at the state level. We are working with the Animal Control Subcommittee of the Committee on Counties, chaired by Representatives Daniel Bosley and Shannon O'Brien, to develop both a dangerous dog law, and a comprehensive program of animal control. The Animal Control Subcommittee will be holding public hearings in several locations throughout the state during August and September. We urge you to attend, and to work with us for an effective control law for all dogs in Massachusetts.

We understand that many City Councils are being asked by their communities to act immediately to pass local ordinances to address this problem. Unfortunately, the public hysteria created by the media's focus on pit bull attacks (and the exclusion of reports on attacks by other breeds) has led many communities to consider or enact breed-specific legislation. The MSPCA believes that so-called "pit bull bans" are ineffective in controlling dangerous dogs. Such laws do nothing to protect citizens from dogs of other breeds that may be dangerous. They also erroneously brand all pit bulls or their look-alikes as vicious even though most of these animals are friendly companions. Finally, these laws have been successfully challenged in court on constitutional grounds.

If a local approach to the dangerous dog problem is under consideration in your community, we ask that you consider the enclosed copy of "Guidelines For Regulating Dangerous or Vicious Dogs", a recent publication of The Humane Society of the United States. The Guide offers specific sample ordinance provisions designed to identify both dangerous dogs and irresponsible pet owners. The MSPCA stands ready to assist you in adapting these guidelines to your community's particular needs.

If you have any questions or need further information about dangerous dog laws at the state or local level, please feel free to contact me or Sara Romer of the Animal Welfare and Legislative Issues Department at 617-522-7400.

Sincerely,

Martha C. Armstrong, Director  
Animal Welfare and Legislative Issues

*on the move for animals*

enclosure

Comm. from Martha C. Armstrong, Dir. of  
Animal Welfare & Legislative Issues,  
MSPCA Re: dangers of uncontrolled,  
aggressively trained & bred dogs & the  
inadequacy of current animal control  
laws which have been highlighted by pub-  
licized attacks by pit-bulls & transmit-  
ting a copy of "Guidelines For Regulating  
Dangerous or Vicious Dogs".

In City Council,

August 3, 1987

Referred to Animal  
Commission  
Hearing Scheduled for  
9/14/87 @ 7 P.M.

Copy sent to the  
Animal Commission  
8/6/87 with see copy of  
letter to City Manager  
within