



August 15, 2014

To Interested Citizens:

A recent story in the Corsicana Daily Sun regarding the City's Dangerous Dog Ordinance has created a great deal of discussion in our community. The purpose of this letter is to provide you with some additional facts which the Daily Sun article failed to note.

First of all, the Dangerous Dog Ordinance is not a policy; it is actually an ordinance that was adopted in November of 2013. The need for the ordinance became apparent after several citizens were bitten or attacked by dogs. Many cities have the same or a similar ordinance regulating dangerous dogs and the wording mirrors state law on the subject. The City's Animal Services Board created and reviewed the ordinance for Council consideration. The City Council adopted the ordinance after giving proper public notice. The Animal Services Board had a veterinarian member until August of 2013 when she resigned. The Animal Services Board went without a veterinarian for a period of time and, recently, another local veterinarian has agreed to serve on the Board.

The Daily Sun article incorrectly states that the dog was allowed to run loose in the front yard, suggesting that the incident actually happened in the owner's front yard. It occurred in the street approximately one half block from the owner's home. The dog did not have a license nor an up-to-date rabies vaccination, and the bite occurred away from the owner's property. In short, the dog was allowed to run loose, without a license and without a rabies vaccination and it bit a neighbor. The neighbor filed a police report of the incident.

Under the City's ordinance, a dog becomes a dangerous dog in two situations. The first is when the dog makes an unprovoked attack that causes bodily injury and occurs in a place other than the place where the dog is being kept (a home or a back yard). The second occurs when a dog commits an unprovoked attack, once again outside the place where the dog is normally enclosed (a back yard or a home) and a person who is the subject of the attack reasonably believes that the dog will attack and cause bodily injury. So, a dog is never a dangerous dog until it attacks without provocation. And, the attack has to occur in a place where the dog is not usually kept. So, it only applies to animals running loose and not to animals which are properly supervised. And, the dog can be deemed a dangerous dog if it tries to bite, but doesn't succeed.

In addition, the ordinance does provide pet owners with substantive rights. First, the owner of a dog that has been deemed dangerous (one that has either bitten and caused bodily injury or attacked someone outside the place it is normally kept) is required to deliver the dog to the Animal Control Officers within twenty-four hours after the owner receives notice that the dog has been deemed dangerous. The purpose of this provision is to require dog owners to produce the animal so that Animal

Control officers can inspect the animal and make sure that it does not have rabies or some other serious disease.

An owner has fifteen days to appeal the designation of an animal as a dangerous dog by appealing the determination to the City's Municipal Court. Thereafter, the Municipal Court is required to conduct a hearing to determine whether the dog meets the definition of a dangerous dog. The owner is entitled to a hearing, and possibly even a jury trial, to determine whether the dog is in fact dangerous. If the owner of the dog in the Daily Sun article believed his dog was not dangerous, he had the right to appeal.

Once the dog is established to be a dangerous dog, the dog must be registered, and the owner must prominently mark the dog as a dangerous dog by fitting it with a fluorescent yellow collar. Thereafter, the dangerous dog must also be continually confined, which is the law anyway, and the owner of the dangerous dog must maintain liability insurance to protect the public at large from further attacks.

As many of you have observed, from time to time dog owners allow their animals to run loose. Many of these dogs do not commit unprovoked attacks on Corsicana citizens. However, from time to time, a dog running at large does attack a citizen. Since dogs are supposed to be confined at all times, and not allowed to run loose, there should be no reason for the dog to be running loose in the first place.

While the size of a dog may be one factor in determining how dangerous the animal is, it is not the only factor. Small dogs can transmit rabies and other diseases just like big dogs. And, the bite of a smaller dog can also be quite painful. Finally, while a healthy adult may not be at serious risk of serious injury from a small dog (assuming the dog is vaccinated), the same is not necessarily true of small children and the elderly, who are less able to fend off or escape an attack from even a small dog.

The ultimate goal of the Dangerous Dog Ordinance is to protect the public, which the City feels it must do. If a dog is properly secured, the owner never has to worry about it being declared a dangerous dog. On the other hand, pet owners who allow their animals to run loose must be responsible for those times when the animals attack and injure innocent citizens.

Once again, thank you for your interest in the City of Corsicana.

Yours very truly,

Chuck McClanahan, Mayor