

**COUNCIL MEETING AGENDA  
CITY OF PRAIRIE VILLAGE  
Council Chambers  
Tuesday, January 21, 2020  
6:00 PM**

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF THE AGENDA**
- V. **INTRODUCTION OF STUDENTS & SCOUTS**
- VI. **PRESENTATIONS**

Stuart J. Little, Ph.D., Little Government Relations LLC

- VII. **PUBLIC PARTICIPATION**

(5 minute time limit for items not otherwise listed on the agenda)

- VIII. **CONSENT AGENDA**

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff

- 1. Approval of regular City Council meeting minutes - January 6, 2020
- 2. Approval of expenditure ordinance #2986
- 3. Consider approval of the two-year renewal agreement with AT&T for Dedicated Internet and Voice Bundle Services
- 4. Consider agreement with the Kansas City Crime Commission for the TIPS Hotline Crime Stoppers Program
- 5. Consider approval of the 2020 contract with Challenger Sports
- 6. Consider 2020 recreation fee schedule
- 7. Consider interlocal agreement with Johnson County for Project ROAV0006: Roe Avenue, 83rd Street to 91st Street
- 8. Consider interlocal agreement with the City of Overland Park for street maintenance on streets shared with Prairie Village

- IX. **COMMITTEE REPORTS**

- X. **MAYOR'S REPORT**

XI. STAFF REPORTS

XII. OLD BUSINESS

XIII. NEW BUSINESS

XIV. PUBLIC PARTICIPATION (specific to agenda items)

XIV. COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)

COU2020-04 Discussion regarding the removal of Breed Specific Language as specified in Ordinance 2-105

Jori Nelson

2020 Exterior Grant Program changes

Jamie Robichaud

XV. ANNOUNCEMENTS

XVI. ADJOURNMENT

**If any individual requires special accommodations - for example, qualified interpreter, large print, reader, hearing assistance - in order to attend the meeting, please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting.**

**If you are unable to attend this meeting, comments may be received by e-mail at [cityclerk@pvkansas.com](mailto:cityclerk@pvkansas.com)**



## Memorandum

To: Laura Smith, City Administrator, City of Mission  
From: Stuart J. Little, Ph.D., Little Government Relations LLC  
Date: January 12, 2020  
Re: City of Merriam November Legislative Report  
Re: Mission 2020 Legislative Session Preview

### Overview

The peace and restfulness of the holidays fades, as the Statehouse slowly awakens from its seven-month slumber. Lawmakers and others are preparing for the 2020 Session that begins Monday, January 13<sup>th</sup>. While the first day of Session is largely ceremonial, it will kick off what promises to be a fast and furious Session before lawmakers leave town again to spend the interim campaigning for re-election. We're anticipating the focus of the 2020 Session will include at the least the following: Medicaid Expansion, a number of potential constitutional amendments (concerning the right to an abortion as well as how Supreme Court justices are nominated), and a slew of new tax bills. The Kelly administration is in its first year with their budget, revenue, and leadership positions. This is the year for hard work and major initiatives from the new administration.

### Big Picture Issues

#### Elections

- Every member of the House and Senate faces election this year. The Republican majorities will face a Democratic administration with a year's experience and campaigns, forcing votes on issues, and a political calculus will influence every decision this Session.
- Election considerations will impact all aspects of the session.

#### Medicaid Expansion

- Arguably the Governor's top priority for the 2020 Session is Medicaid expansion and supporters are hopeful Kansas will become the 37<sup>th</sup> state to expand Medicaid. The Governor's Council on Medicaid Expansion in mid-December forwarded a straight Medicaid expansion bill. The Senate Special Committee on Medicaid Expansion and the Senate Select Committee on Healthcare Access endorsed a complex plan that garnered both support and opposition. The Senate plan included multiple waiver and components that had the potential to delay or stall outright expansion.
- On January 9<sup>th</sup> the Governor and Senate Republican and Democratic expansion supporters announced an agreement on a Medicaid expansion bill. The House passed expansion in 2019 and the Governor/Senate bill was 22 co-sponsors and 21 votes are needed to pass. The compromise means the chance for passage has increased.
- The agreement is a straight 90/10 federal/state-funded expansion to cover Kansans who earn up to 138% of the federal poverty level with no work referral and no lockouts.

- For local governments, one provision of expansion will allow local jail inmates who leave jail for more extensive medical care can receive treatment if Medicaid eligible.
- Details to the plan can be found here: <https://governor.kansas.gov/governor-senate-majority-leader-announce-compromise-proposal-to-lower-healthcare-costs-for-kansas-families/>
- The bill is Senate Bill 252 and can be found here: [http://www.kslegislature.org/li/b2019\\_20/measures/documents/sb252\\_00\\_0000.pdf](http://www.kslegislature.org/li/b2019_20/measures/documents/sb252_00_0000.pdf)

### State Supreme Court

- There have been several big announcements from the State Supreme Court as the session begins:
- Justice Marla Luckert becomes the second woman in the state's history to lead the Court as Chief Justice. Because the Court is presiding over a case brought by a group of judges accusing the State Legislature of chronically underfunding the state's Judicial Branch, Chief Justice Luckert withdrew from the opportunity to address the Legislature. Consequently, Luckert plans to ask the Legislature for \$20 million in 2020 to increase judicial salaries across the board.
- The Supreme Court has another new member, Justice Evelyn Wilson, who was appointed by the Governor and has received some pushback from conservative Republican lawmakers, as well as conservative groups such as Kansans for Life.
- Wilson's appointment has sparked continued conversation about changing the Supreme Court nomination process by constitutional amendment, from a merit selection process by the nominating committee, to a Senate confirmation of a Governor-appointed candidate.
- The lawsuit, funding issues, the abortion decision, and possible constitutional amendments will keep judicial selection and the Court front and center in 2020.

### Taxes

- Besides Medicaid expansion, taxes will likely dominate the bulk of the 2020 Session.
- Together, the Kansas Chamber and Kansas Tax Foundation released the Tax Modernization Report, which made several recommendations, including removing international income from the tax base; allowing Kansans to itemize on state returns as well as federal returns; removing barriers to interstate commerce; and directing county appraisers on consistently and fairly appraising big-box retail properties. A summary of the report, as well as the full report, can be found here: <https://www.kansaschamber.org/taxmodernizationreportrelease/>
- Additionally, there will be renewed interest in the failed 2019 tax bills focusing on decoupling from the federal tax code, GILTE, itemized deductions, a food sales tax rebate, and more. Sales tax on remote retailers and establishing a minimum sales threshold will also be debated.
- Property taxes and appraisal policy will get action this Session due to support from some to change the commercial valuation process.

- The potential impact of changes to tax policy will impact current and future budget actions the Governor and Legislature may take. Reductions in available revenue mean reductions in revenue available for services.

## **Local Government Issues**

### Topics Likely to Get Attention in 2020

- Police body camera disclosures. Require public access to investigation details of shootings if no charges filed, as well as require written policies for officer-involved shooting and investigation by two officers not employed by the department. (HB 2424)
- LAVTRF: Potential restoration of LAVTRF recommended by Governor’s Tax Council, but there is a possible plan and supporters interested in reducing or eliminating motor vehicle taxes and using LAVTRF to replace that local funding.
- Photographic traffic signals: Pre-filed bill prohibiting cities and counties from the use of photographic traffic signal enforcement systems Senate Bill 247
- Zoning: SB 248 by Senator Holland—deals w/extraterritorial zoning and notice to landowners about subdivision regulations.
- STAR bond renewal bill from Department of Commerce is forthcoming and informational briefings begin this week. The proposed changes to STAR bonds have not yet been made public.
- Cable franchise: Cable providers attempted to intervene in the wireless franchise law in 2019. The cable providers are now seeking to place their wireless technology with ROW without any franchise fee or limitations. The League and others believe the cable companies are presuming significant changes to the Video Competition Act. Will share when they have more info.
- Abandoned housing legislation has been active for at least the last seven years. A bill passed the House in 2019 and the Senate may again take up the issue.
- Municipal Courts: Monitor potential changes due to recommendation from the Criminal Justice Reform Commission and other related topics such as cash-bail and other issues from the Pre-Trial Task Force that could affect municipal courts.
- ROW Permitting for transmission lines—discussions about issues arising in Wichita regarding sizing and location of transmission lines and how local governments can stay informed.
- Tax Lid: Concerns that the local government tax lid may be brought into the tax policy discussion, particularly because the Kansas Chamber has stated their support to impose “Utah-style” amendments that will expand public notification requirements.
- Local authority: The Kansas Chamber of Commerce and Industry is seeking legislation to prohibit local units of government from hiring legal council to sue corporations.

### New Developments on the T21 Front

- With the recent federal passage of Tobacco 21, raising the legal age to 21, advocates at the state level may shift their focus when it comes to addressing youth tobacco and

vaping use. New approaches could include flavor bans, an increased tobacco and e-cigarette tax, as well as updating the Kansas Indoor Clean Air Act to include vaping.

### KDOT Overhauls the State Transportation Plan

- KDOT is moving away from their precedent of a 10-year transportation plan and is instead embracing a more adaptive transportation plan that is responsive to the rapidly changing nature of transportation technology and trends. Instead of a plan that accounts for all projects up front, the plan will be updated every two years to include new projects. The new rolling model will accommodate a variety of projects, from rural rail projects to urban bike and pedestrian initiatives and projects involving drone technology. Over the next decade, KDOT plans to spend a minimum of \$8 million in each county on various projects. One of the department's biggest concerns is protecting the transportation fund money from transfers. To address this concern, one Republican lawmaker has proposed a constitutional amendment that would prevent any transfers from the state highway fund.
- It's most likely the next plan will begin to take shape following two years of interim work. There is significant pressure to fund first the outstanding balance of unfinished projects from the last T-Works plan costing \$500 million. The current total cost for the new plan is \$1.2 billion and is estimated to spend a total of \$10 billion over the next decade. The transition to a rolling 2-year plan versus a stagnant 10-year plan will help to safeguard funding for the program.

### Taxes

- From food to property to sales tax, taxes and tax reform will compete with Medicaid Expansion for center stage during the 2020 Session. Recently, the Governor's Council on Tax Reform made several recommendations, including a food sales tax rebate, reinstating the LAVTRF, taxing out-of-state retailers, as well as digital products such as e-books and music, providing a property tax lid exemption for local transportation projects, and better balancing income and property taxes.
- The Kansas Chamber has also made its own recommendations, along with the Kansas Tax Foundation, for tax modernization and reform. Some of these include removing international income from the tax base; repealing the throwback rule, which they believe is unfair toward businesses selling products out-of-state; evaluating the return on investment of economic development incentives; indexing income tax provisions for inflation; enhancing the standard deduction to bring it closer to the federal deduction, allowing individuals the choice to itemize; eliminating the social security tax cliff, broadening the sales tax base; removing barriers to interstate commerce by providing a safe harbor for remote sellers, and modeling the property tax lid after Utah's "Truth in Taxation" program.
- In light of the dark store theory and ongoing arguments with the Board of Tax Appeals, we expect property valuation and assessment to be heavily debated in the coming months.

### Eco-Devo

- We will likely see a variety of eco-devo bills addressing a range of issues from the impending expiration of STAR bonds to re-evaluating the EDIF. We will also monitor other tools, including TIF and CID, to ensure these remain as essential development tools for local governments. We will also get updates on the reporting process that began last session.

### Marijuana

- The Federal and State Affairs committees will likely take up the issue of legalizing medical marijuana. During the interim the Joint Committee on Federal and State Affairs held an informational hearing on the topic and learned about legalization of medical marijuana in surrounding states, including Missouri, Oklahoma, and Ohio. Committee members recommended further examination of Ohio's policies, as well as the need to dig deeper into the implications for financial institutions and law enforcement agencies.
- Local governments have a list of concerns from distribution of tax revenue to the distribution of treatment funding, zoning and local control issues, and prohibitions against personal production.

### Upcoming Activities

- First day of Session is Monday, January 13<sup>th</sup>. The Governor's State of the State address is scheduled for 6:30 pm on Wednesday, January 15<sup>th</sup> and will provide a window into the Governor's budget and how she plans to address concerns about a potential recession, as well as projected revenue shortfalls in a few years.
- On Thursday, January 16<sup>th</sup>, the Governor's budget will be introduced to the Senate Ways & Means and House Appropriations committees.
- On Thursday, January 16<sup>th</sup>, LKM will resume their weekly League lunches which we will attend and report on throughout the Session.
- Wednesday, January 22<sup>nd</sup>, is LKM's and Kansas Association of Counties' Local Government day at the Capitol.

Legislative activities will begin Monday January 13 and informational briefings are scheduled for the first week. Please let me know if you have questions.

Stuart J. Little, Ph.D.  
 Little Government Relations LLC  
 800 SW Jackson, Ste. 1100  
 Topeka, Kansas 66612  
 785-235-8187 Office  
 785-845-7265 Mobile  
<https://lgrkansas.com>



**CITY COUNCIL  
CITY OF PRAIRIE VILLAGE  
JANUARY 6, 2020**

The City Council of Prairie Village, Kansas, met in regular session on Monday, January 6, 2020, at 6:00 p.m. in the Council Chambers at the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. Mayor Mikkelson presided.

**ROLL CALL**

Roll was called by the City Clerk with the following Council Members in attendance: Chad Herring, Jori Nelson, Serena Schermoly, Ron Nelson, Tucker Poling, Andrew Wang, Sheila Myers, Brooke Morehead, Dan Runion, Courtney McFadden, Ted Odell and Terrence Gallagher. Staff present: Tim Schwartzkopf, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Lisa Santa Maria, Finance Director; Meghan Boom, Assistant City Administrator; Adam Geffert, City Clerk.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mr. Gallagher made a motion to approve the agenda for January 6, 2020. Mrs. Schermoly seconded the motion, which passed unanimously.

**INTRODUCTION OF STUDENTS & SCOUTS**

No students or scouts were in attendance.

**PRESENTATIONS**

**Recognition of Outgoing Councilmembers and retiring Treasurer**

Mayor Mikkelson read proclamations citing the accomplishments of outgoing Councilmembers Serena Schermoly, Andrew Wang, Brooke Morehead and Ted Odell. Additionally, retiring City Treasurer Fielding Norton was recognized for his many years of service to the City.

**Swearing in of new Councilmembers**

The Mayor swore in new Councilmembers Inga Selders, Bonnie Limbird, Piper Reimer and Ian Graves, as well as reelected members Chad Herring and Courtney McFadden.



### **Meadowbrook Development Update**

Justin Duff, representing Van Trust, the property owner of the Meadowbrook development, provided an update to Council. He noted that townhomes were selling quickly, though single-family homes sales were slower than anticipated. He added that the Kessler apartment building was 75% leased, and that the Inn at Meadowbrook hotel would open in April 2020. Café Provence will be opening a restaurant at the Inn called Verbena, as well as a secondary space that will resemble the French Market at the Prairie Village shops. Finally, a 225 unit senior living facility is expected to open in early 2022, and a pedestrian bridge will be installed between ponds in the park space in the spring.

Jeff White with Columbia Capital, the City's independent financial advisor, described the tax increment financing (TIF) that was used to finance the development. He noted that in 2016, the City issued \$11.3 million in general obligation bonds for parkland acquisition and infrastructure, and that the tax revenue generated on incremental development is used to pay the debt service on these bonds. Since issuance, the performance of the TIF has exceeded expectations, primarily because the valuations of the development have been higher than originally modeled. Mr. White stated that if this performance continues, debt service on the 20-year loan could be fully paid in 14 to 15 years.

Ms. Nelson asked what the average sale prices of single-family homes and townhomes were at the development. Mr. Duff said that townhomes were generally selling for over \$900,000 and single-family homes for over \$1,000,000.

### **PUBLIC PARTICIPATION**

With no one present to address the Council, public participation was closed at 6:48 p.m.

### **CONSENT AGENDA**

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

**Terrence Gallagher moved for the approval of the Consent Agenda of January 6, 2020 as presented:**

1. Approval of regular City Council meeting minutes - December 16, 2019
2. Approval of expenditure ordinance #2985
3. Purchase request of crime prevention police vehicle
4. Purchase request of three patrol police vehicles
5. Consider approval of the 2020 SuperPass interlocal agreement and swim meet letter of understanding
6. Consider purchase of in-car video and body-worn camera system

**A roll call vote was taken with the following votes cast: "aye": Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher.**



### COMMITTEE REPORTS

- Mrs. Myers stated that the civic center survey had been completed, and that Wiese was analyzing results, which would be presented to Council at a later date.
- Ms. Nelson noted that the Environmental Committee's proposed plastic bag ban would be brought before Council in February.
- Ms. Reimer said that she had been appointed as the City Council representative to the United Community Services of Johnson County's Drug and Alcohol Council. She attended the group's annual meeting on December 10, at which a presentation was given on social isolation.

### MAYOR'S REPORT

Mayor Mikkelson reported the following:

- Climate Action KC held a "resilience in action" seminar that was attended by several Councilmembers and City staff. Council will discuss climate action further at its upcoming work session.
- The Mayor attended a D.A.R.E graduation at St. Ann's School.
- The Mayor met with Governor Kelly and other area Mayors to discuss the economic "border war" in the Kansas City region.
- The Mayor and City staff attended the Mission Hills holiday lunch. A joint event or work session between the Mission Hills and Prairie Village City Councils was discussed.
- The Mayor attended the Northeast Johnson County Mayors holiday lunch.
- A legislative forum with state representatives will be held on Wednesday, January 8.
- The Future of the Arts reception will take place on Friday, January 10.
- The Mayor was asked to serve on the advisory committee for Climate Action KC. A Climate Action KC happy hour will be held on January 16.
- The Mayor attended a ribbon cutting for the new Osteo Strong location in the City.
- The Mayor will attend a D.A.R.E. graduation at Belinder Elementary School on January 17.
- The Johnson County NAACP will host a Martin Luther King Day dinner, at which Major Byron Roberson will receive an award.
- The annual Northeast Johnson County State of the Cities luncheon will take place on January 23.
- The Mayor announced that the Macy's store in the Village Shops would be closing in approximately 90 days.
- The Mayor said that committee assignments for Councilmembers would be made available the following day.
- The Mayor stated that Café Provence was selected as one of the top 100 restaurants in America by Open Table.
- Ron Nelson was selected to participate in the Northeast Johnson County Leadership Academy.



## **STAFF REPORTS**

### **Public Safety**

- None

### **Public Works**

- Mr. Bredehoeft said that the third and final public skate park meeting would be held on January 22.

An all-electric Chevrolet Bolt, the first vehicle acquired through the Enterprise lease program, arrived the previous week.

- Mr. Herring thanked Public Works for the installation of a sidewalk at 63<sup>rd</sup> and Delmar, which was installed in conjunction with the City of Fairway.

### **Administration**

- Mrs. Buum stated that Suzanne McCullough had accepted the Pool Manager position in 2020. The hiring process for other pool staff will begin soon.
- Mrs. Robichaud noted that a public hearing for a rezoning request would be held on Tuesday, January 7. The Sharp Law Firm is considering the purchase of two lots owned by Prairie Baptist Church on 75<sup>th</sup> Street to construct a new office building. The lots are currently zoned residential. If approved by the Planning Commission, the rezoning will come before the City Council for final approval.

A public hearing for rezoning the Public Works facility will be held at the February Planning Commission meeting. Currently, the Public Works property is comprised of multiple lots that are zoned both R-1A and RP-4. In conjunction with the renovation, Public Works is seeking to consolidate these lots into a single lot zoned RP-1.

Letters regarding the curbside composting and glass recycling program were sent to residents that were selected to participate the week before Christmas. The last day for residents to opt out is January 10, and the program will begin the first full week of February.

- Mr. Jordan stated that the January Plan of Action was included in the meeting packet.

Mr. Jordan recognized Chief Schwartzkopf for his appointment as President of the Metro Chiefs organization.

## **OLD BUSINESS**

Ratification of 2020 Legislative Platform



Mayor Mikkelson stated that although it had been approved by the previous Council, he believed it was important for new Councilmembers to ratify the platform.

**Mr. Poling made a motion to ratify the 2020 Legislative Platform. Mr. Gallagher seconded the motion, which passed 10-2, with Mr. Runion and Mrs. Myers in opposition.**

Mr. Nelson added that House Bill 2430, which proposes to repeal the property tax lid, was pre-filed by Representative Riley.

### **NEW BUSINESS**

**COU2020-01            Consider professional services supplemental No.1 with the Clark Enersen Partners for the Public Works building (BG700002)**

Mr. Bredehoeft stated that at the October 7, 2019 Council Meeting, the Governing Body approved the schematic design for the new Public Works Facility. Schematic design translates the conceptual layouts into physical drawings and determines the requirements and relationships of the space. The schematic drawings were reviewed by the project team for functionality, adjacencies, compliance with codes, security, and aesthetics. This phase is used to firm up the total square footage, the schedule, and the budget.

The remainder of the project is covered under supplemental No. 1 and will be comprised of the following phases:

- Design Development
- Bidding
- Construction Documents
- Construction Administration

**Mr. Poling made a motion to approve the professional services supplemental No. 1 with Clark Enersen Partners for the Public Works building in the amount \$635,800. Ms. Nelson seconded the motion, which passed unanimously.**

**COU2020-02            Consider construction contract for pool replaster - leisure and wading**

Mr. Bredehoeft stated that the project would replace and reapply the plaster surfaces of the leisure and wading pools, as well as replace tile and drain grates. The lowest bidder was not selected due to its lack of pool plastering experience. The second lowest bidder, KC Gunite, provided references to over 70 pool projects, and was selected as a result.

**Mr. Gallagher made a motion to authorize the Mayor to sign the construction contract with KC Gunite, Inc., for the pool replaster project. Mr. Nelson seconded the motion, which passed unanimously.**



Mr. Herring asked what the timeline would be for the work. Mr. Bredehoeft said that while there is not a definitive timeline yet, he expected work to be completed by early May.

**Consider future presentation by Stuart Little regarding government relations advocacy**

Mayor Mikkelson stated that Stuart Little, a lobbyist in the Kansas legislature, had proposed building a coalition of Northeast Johnson County cities to achieve legislative goals in Topeka. Thus far, a few Northeast cities have agreed to work with Mr. Little.

**Mrs. McFadden made a motion to have Mr. Little give a presentation to Council at a future meeting, and Mr. Nelson seconded the motion.**

Ms. Nelson said that she did not see a benefit for City residents, especially considering the positive relationships the City currently has with local representatives. The Mayor noted that the motion was only to have Mr. Little give a presentation to Council to determine whether his services were worth pursuing. Mr. Herring added that if the motion passed, Councilmembers should be given time to consider options after Mr. Little gives his presentation.

**The motion passed 10-2, with Ms. Nelson and Mr. Runion in opposition.**

**Election of 2020 Council President**

Mayor Mikkelson said that a new Council President needed to be selected to lead the Council Committee of the Whole, as well as to preside over all meetings at which the Mayor is absent. Current practice has been to elect the longest serving Council Member who has not yet served as Council President. Mrs. Myers has been on City Council since April 2015, and is the most senior member that has not yet served.

**Mr. Gallagher made a motion to elect Sheila Myers as Council President. The motion was seconded by Mr. Poling, and passed unanimously.**

**Mr. Gallagher made a motion that the City Council move to the Council Committee of the Whole portion of the meeting. The motion was seconded by Mrs. Myers and passed unanimously.**

**COUNCIL COMMITTEE OF THE WHOLE**

**2019 Exterior Grant report and 2020 program changes**

Jamie Robichaud reported that in 2019, the City allocated \$50,000 from the Economic Development Fund for the program, and reimbursed grantees 20% of their total project costs, up to \$2,500 each. For the year, a total of 29 grants were awarded totaling



\$47,037.51. Mrs. Robichaud stated that the most common improvements were windows and siding, followed by gutters, driveways and paint.

The following eligibility criteria were approved as part of the 2019 program:

- The appraised value of the home must be \$225,000 or less and must be located in Prairie Village.
- The home must be zoned R-1A, R-1B, or R-2.
- A building permit may be required depending on the type of improvements.
- The improvements must be in conformance with the Prairie Village Municipal Code.
- The property must be owner-occupied or a rental license must have been in place for the past 365 days in order to be eligible.
- Each property can only receive one grant in a 10-year period.

Mrs. Robichaud asked the Council to consider changes they would be interested in seeing in 2020. She added that staff recommended increasing the maximum appraised value by 9%, based on the average valuation increase in the City in 2019, bringing the 2020 total to \$246,000. Additionally, the City contributes \$6,000 annually to the County's Minor Homes Repair Fund, which is rarely invested back in Prairie Village due to income restrictions. These funds could be redirected to the Exterior Grant Program to better serve residents in the City. Finally, the eligible projects list could be expanded to include projects such as energy efficiency improvements.

Mr. Gallagher asked how many residents were unable to receive grants due to demand, and Mrs. Robichaud stated that a total of seven were put on a wait list. Mr. Gallagher said he supported the redirection of funds from the Minor Homes Repair Fund.

Mr. Herring recommended increasing the maximum property value to \$250,000 for 2020, and suggested adding home interior projects to the eligibility list. Ms. Nelson agreed, suggesting that items such as foundation repair, insulation and HVAC equipment replacement be included. Ms. Selders asked that electrical system improvements and sewer pipe replacements be added as well. Mrs. McFadden stated that she felt the program should remain focused on exterior improvements.

**Mr. Poling made a motion to increase the maximum property value to \$250,000, and direct staff to come back with a list of options for adding projects that are improvements to sustainability for homes and options for additional funding. The motion was seconded by Ms. Nelson.**

After further discussion, **Mr. Runion moved to divide the motion into two separate motions: the first motion to increase the maximum home value to \$250,000, and the second motion to direct staff to come back with a list of options for adding projects that are improvements to sustainability for homes and options for additional funding. Mrs. McFadden seconded the motion.**



The motion to amend the motion passed 7-5, with Mr. Herring, Ms. Nelson, Ms. Selders, Mr. Nelson and Mr. Poling in opposition.

The motion to increase the maximum dollar amount to \$250,000 passed unanimously.

The motion to direct staff to come back with a list of options for adding projects that are improvements to sustainability for homes and options for additional funding passed 8-4, with Mrs. Myers, Ms. Reimer, Mr. Runion and Mrs. McFadden in opposition.

**COU2020-03          Consider 2020 recreation fee schedule**

Mrs. Buum presented the proposed fee schedule approved by the Parks and Recreation Committee. She noted that two adjustments were made: first, the minimum-age requirement for a pool pass was changed from age one to age two. Secondly, tennis programs were taken over by the Johnson County Parks and Recreation District, which is responsible for determining its own fee structure.

Mrs. Myers made a motion to approve the 2020 recreation fee schedule. Ms. Limbird seconded the motion, which passed unanimously.

Mrs. Myers moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion passed unanimously.

**ANNOUNCEMENTS**

Announcements were included in the Council meeting packet.

**ADJOURNMENT**

With no further business to come before the City Council, Mayor Mikkelson declared the meeting adjourned at 8:48 p.m.

Adam Geffert  
City Clerk

**CITY TREASURER'S WARRANT REGISTER**

DATE WARRANTS ISSUED:

Warrant Register Page No. 1

January 10, 2020

Copy of Ordinance  
2986

Ordinance Page No. \_\_\_\_\_

An Ordinance Making Appropriate for the Payment of Certain Claims.

Be it ordained by the governing body of the City of Prairie Village, Kansas.

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of funds in the City treasury the sum required for each claim.

NAME	DATE	AMOUNT	TOTAL
<b>EXPENDITURES:</b>			
Accounts Payable			
20887-20896	12/8/2019	49,943.74	
20897	12/9/2019	347.64	
20898-20984	12/13/2019	672,993.23	
20985-21012	12/18/2019	90,972.51	
21013	12/23/2019	150.00	
21014-21063	12/31/2019	482,445.70	
Payroll Expenditures			
12/6/2019		306,979.69	
12/20/2019		316,070.39	
Electronic Payments			
Electronic Pmnts	12/1/2019	1,099.82	
	12/5/2019	167.92	
	12/6/2019	\$ 12,146.27	
	12/9/2019	811.56	
	12/10/2019	5,151.56	
	12/13/2019	3,790.00	
	12/20/2019	148.80	
	12/23/2019	11.95	
<b>TOTAL EXPENDITURES:</b>			<b>1,943,230.78</b>
Voided Checks			
	Check #	( Amount )	
Lamp Rynearson & Associates	20944	(4,578.00)	
<b>TOTAL VOIDED CHECKS:</b>			<b>(4,578.00)</b>
<b>GRAND TOTAL CLAIMS ORDINANCE</b>			<b>1,938,652.78</b>

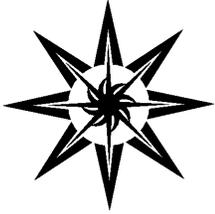
Section 2. That this ordinance shall take effect and be in force from and after its passage.

Passed this 10th day of January 2020.

Signed or Approved this 10th day of January 2020.

(SEAL) ATTEST: Courtney Kramer, 1.13.2020  
City Treasurer

ATTEST: [Signature], 1.9.2020  
Finance Director



## CONSENT AGENDA

Council Meeting Date: January 6, 2020

**Consider approval of the two-year Renewal Agreement with AT&T for Dedicated Internet and Voice Bundle Services.**

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### RECOMMENDATION

Staff recommends the Council approve the two-year renewal agreement with AT&T for Dedicated Internet and Voice Bundle Services

### BACKGROUND

AT&T has been the long standing provider for phone services to the City of Prairie Village. The PV IT Staff have been working on this renewal that will convert the current analog connection to fiber (SIP). The cost will be \$2,380.00 per month and will reduce the overall service costs by about 50% moving forward.

### ATTACHMENT:

The attached service agreement with AT&T has been reviewed and approved by the City Attorney.

**FUNDING SOURCE:** Communications Line Item 01-03-37-6001-000

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Prepared By:

Wes Jordan  
City Administrator  
Date: January 13, 2020



Sales Contact Information  
MEDAL; MICHAEL  
8889808547  
mm738c@us.att.com

**eSign Fax Cover Sheet** Contract Id: 7532074

**To:** AT&T Automated Fax Handling Service

**From:**

**Fax:** 877-374-4632 or 877-eSignFax

**Total Pages:** 8  
(Excluding Fax Cover Sheet)

Or with Copiers / Scanners w/ email, Send To: [esign@att.com](mailto:esign@att.com)

To sign via fax:

1. Sign, Title and Date the document where applicable,
2. Fax back documents in the following order:
  - I. eSign Fax Cover Sheet for Contract Id: 7532074
  - II. All Pages stamped with Contract Id: 7532074
3. If there are additional documents, use the corresponding eSign Fax Cover Sheet(s) as separator(s) and Fax back as in 2.I and 2.II.

(see Picture below)



Request Id: 2069803  
Contract Id: 7532074



## AT&amp;T Dedicated Internet &amp; Voice Bundle Agreement

The rates, discounts and other provisions in this Agreement are contingent upon signature by both parties on or before **December 31, 2020**.

**For AT&T Administrative Use Only**

attuid: MM738C

Account # \_\_\_\_\_ Master Customer # \_\_\_\_\_ Doc Viewer ID: \_\_\_\_\_

Contract ID#: **ADV14133693**

Company Name ("Customer")	AT&T – Contact For Notices	AT&T Sales Contact - Primary Contact
Legal Name: CITY OF PRAIRIE VILLAGE	AT&T Corp	Name: MICHAEL MEDAL
Street Address: 7700 MISSION RD	One AT&T Way	Street Address: 3656 Massillon Rd
City: PRAIRIE VILLAGE, State: KS Zip: 66208	Bedminster, NJ 07921-0752	City: Uniontown, State: OH Zip: 44685
Tel # 9133854602	ATTN: Master Agreement Support Team: <a href="mailto:mast@att.com">mast@att.com</a>	Tel # 8888156496

**AGREEMENT TERMS****1. SERVICES**

Service	Service Publications Location
AT&T Dedicated Internet & Voice Bundle (ADIVB)	<a href="http://serviceguidenew.att.com/sg_flashPlayerPage/BVOIP">http://serviceguidenew.att.com/sg_flashPlayerPage/BVOIP</a> (See AT&T Dedicated Internet & Voice Bundle)

**2. AGREEMENT TERM AND EFFECTIVE DATES OF RATES**

Term	Term Start Date/Effective Date of Rates and Discounts
2 years	Effective Date of this Agreement

**3. SERVICES COMPONENTS AND RATES (PRICES)****3.1. AT&T Dedicated Internet & Voice Bundle**

Port Speed	Concurrent Calls	Off-Net long distance - Included Minutes (per month)	Monthly Service Charge Group 1	Monthly Service Charge Group 2	Monthly Service Charge Group 3
10 Mbps	10	3,000	\$499.00	\$683.00	\$786.00
10 Mbps	15	4,500	\$525.00	\$725.00	\$828.00
10 Mbps	23	6,900	\$555.00	\$792.00	\$895.00
10 Mbps	30	9,000	\$645.00	\$850.50	\$953.50
10 Mbps	46	13,800	\$795.00	\$984.00	\$1,087.00
20 Mbps	10	3,000	\$555.00	\$882.00	\$951.00
20 Mbps	15	4,500	\$595.00	\$929.50	\$998.50
20 Mbps	23	6,900	\$645.00	\$1,005.50	\$1,074.50
20 Mbps	30	9,000	\$745.00	\$1,071.50	\$1,140.50
20 Mbps	46	13,800	\$895.00	\$1,223.00	\$1,292.00
50 Mbps	10	3,000	\$745.00	\$1,138.50	\$1,224.50
50 Mbps	15	4,500	\$795.00	\$1,186.00	\$1,272.00
50 Mbps	23	6,900	\$845.00	\$1,261.50	\$1,347.50
50 Mbps	30	9,000	\$895.00	\$1,328.00	\$1,414.00
50 Mbps	46	13,800	\$999.00	\$1,479.50	\$1,565.50
100 Mbps	10	3,000	\$950.00	\$1,495.00	\$1,634.50
100 Mbps	15	4,500	\$995.00	\$1,540.00	\$1,680.00
100 Mbps	23	6,900	\$1,025.00	\$1,612.50	\$1,752.50

Doc ID: ADIVBEXP-1

V4 – 10/19/2018

Rate ID: ADIVB-061018-50, USOFN20



## AT&amp;T Dedicated Internet &amp; Voice Bundle Agreement

100 Mbps	30	9,000	\$1,075.00	\$1,676.00	\$1,816.00
100 Mbps	46	13,800	\$1,095.00	\$1,821.50	\$1,961.00
150 Mbps	10	3,000	\$999.00	\$1,786.00	\$1,962.50
150 Mbps	15	4,500	\$1,045.00	\$1,833.00	\$2,010.00
150 Mbps	23	6,900	\$1,075.00	\$1,909.00	\$2,086.00
150 Mbps	30	9,000	\$1,099.00	\$1,975.50	\$2,152.00
150 Mbps	46	13,800	\$1,199.00	\$2,127.00	\$2,303.50
250 Mbps	10	3,000	\$1,325.00	\$2,322.00	\$2,523.50
250 Mbps	15	4,500	\$1,375.00	\$2,369.00	\$2,570.50
250 Mbps	23	6,900	\$1,445.00	\$2,445.00	\$2,646.50
250 Mbps	30	9,000	\$1,495.00	\$2,511.00	\$2,713.00
250 Mbps	46	13,800	\$1,595.00	\$2,662.50	\$2,864.50
400 Mbps	10	3,000	\$1,399.00	\$3,095.50	\$3,399.50
400 Mbps	15	4,500	\$1,449.00	\$3,141.00	\$3,445.00
400 Mbps	23	6,900	\$1,499.00	\$3,213.50	\$3,517.50
400 Mbps	30	9,000	\$1,699.00	\$3,277.00	\$3,581.00
400 Mbps	46	13,800	\$1,799.00	\$3,422.00	\$3,726.00
500 Mbps	10	3,000	\$1,559.50	\$3,705.00	\$4,094.50
500 Mbps	15	4,500	\$1,609.50	\$3,750.50	\$4,140.00
500 Mbps	23	6,900	\$1,659.50	\$3,823.00	\$4,212.50
500 Mbps	30	9,000	\$1,859.50	\$3,886.50	\$4,276.00
500 Mbps	46	13,800	\$1,959.50	\$4,032.00	\$4,421.00
600 Mbps	10	3,000	\$1,697.00	\$4,162.00	\$4,597.50
600 Mbps	15	4,500	\$1,747.00	\$4,234.50	\$4,670.00
600 Mbps	23	6,900	\$1,947.00	\$4,298.00	\$4,733.50
600 Mbps	30	9,000	\$2,047.00	\$4,443.00	\$4,878.50
600 Mbps	46	13,800	\$2,047.00	\$4,443.00	\$4,878.50
1,000 Mbps	10	3,000	\$2,030.00	\$4,541.00	\$5,046.50
1,000 Mbps	15	4,500	\$2,080.00	\$4,613.50	\$5,119.00
1,000 Mbps	23	6,900	\$2,280.00	\$4,677.00	\$5,182.50
1,000 Mbps	30	9,000	\$2,380.00	\$4,822.00	\$5,328.00
1,000 Mbps	46	13,800	\$2,380.00	\$4,822.00	\$5,328.00
On-Net Calling & Local Off-Net Calling					Unlimited
Enhanced Features Package (per concurrent call)					\$1.60
US Off-Net per minute calling charge in excess of Off-Net long distance included minutes					\$0.0400
IP Toll-Free Calling Plan Charge, Monthly Charge per Site*					\$15.00
* Includes 1,000 minutes of usage per month per calling Plan G per Customer. Additional usage charges shall apply for aggregate usage over 1,000 minutes per the AT&T IP Toll-Free table below. IP Toll-Free can only be added to a new order for ADIVB.					
<b>Business In A Box</b>					
Base Unit NextGen					\$0.00

**Service Components: 20%**

International Off-Net Outbound Calls – Land-Line (Fixed) and Mobile Terminations (per minute)	Service Component Discount applied to Service Guide rates, as revised from time to time
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## AT&amp;T Dedicated Internet &amp; Voice Bundle Agreement

AT&T IP Toll-Free	
United States Calling Plan	Calling Plan G
AT&T IPTF Inbound – Interstate Usage	See BVOIP SG – AT&T Dedicated Internet & Voice Bundle, for Rate Table as revised from time to time
AT&T IPTF Calling Charge – US Intrastate Usage	
AT&T IPTF Inbound –Canada to US Usage	

## 4. WAIVERS

Charges Waived	Minimum Retention Period
Monthly Charge per Dialed Toll-Free number for AT&T Toll-Free Advanced Features (Classic)-Feature Package II-Routing Plan Option	N/A*
Non-Recurring Charge per Dialed Toll-Free number for AT&T Toll-Free Advanced Features (Classic)-Feature Package II-Routing Plan Option	
AT&T IPTF Calling Plan G Non- Recurring Charge Dial Plan Setup Fee	
BVoIP Toll-Free Routing Arrangement (APN) Charge, Monthly Charge Per Site	
* N/A: Not Applicable ** This waiver applies only to new AT&T Toll-Free Advanced Features accounts. If a Toll-Free number is associated with an existing AT&T Toll-Free Advanced Features account, AT&T Toll-Free Advanced Features (Classic)-Feature Package II-Routing Plan Option will be billed on that account.	

## 5. MINIMUM PAYMENT PERIOD

Service Components	Percent of Monthly Service Charge Due Upon Termination Prior to Completion of Minimum Payment Period	Minimum Payment Period per Service Component
All Service Components	50%	Longer of 12 months or until the end of the Agreement Term

## 6. AT&amp;T DEDICATED INTERNET &amp; VOICE BUNDLE GENERAL TERMS AND CONDITIONS

**6.1. Agreement:** AT&T and/or its Affiliates shall provide Customer products and services identified in this document (“Services”) pursuant to the “Agreement” consisting of this document and the following applicable “Service Publications”, incorporated by reference: (i) Tariff(s), Guidebook(s) and/or Service Guide(s) found at [att.com/service](http://att.com/service) publications, and (ii) the AT&T Acceptable Use Policy (“AUP”) found at [att.com/aup](http://att.com/aup). AT&T may revise the Service Publications at any time. The order of priority of the documents that form the Agreement is, in descending order: this document; the AUP; and, then the applicable Tariff(s), Guidebook(s) and/or Service Guide(s) (provided, however, Tariffs will be first in priority in any jurisdiction where applicable law or regulation does not permit contract terms to take precedence over inconsistent Tariff terms).

**6.2. Services:** AT&T will provide or arrange to have the Service provided to Customer subject to availability and operational limitations of systems, facilities and equipment. Customer may not resell any component of the Service without AT&T’s written consent. Customer will cause Users to comply with the Agreement and Customer is responsible for their use of the Service or any component of the Service, unless expressly provided to the contrary in a Service Publication.

**6.3. Access to Premises:** Customer will in a timely manner allow AT&T to access, or, at Customer’s expense, obtain timely access for AT&T to, property (other than public property) and equipment reasonably required to provide the Service. Access includes information and the right to construct, install, repair, maintain, replace and remove access lines and network facilities, and use ancillary equipment space within the building, necessary for Customer’s connection to AT&T’s network. Customer will furnish any conduit, holes, wireways, wiring, plans, equipment, space, power/utilities, and other items required to perform installation of the Services, and obtain any necessary licenses, permits and consents (including easements and rights-of-way).

**6.4. Hazardous Materials:** Customer will ensure that the Site is a suitable and safe working environment, free of any substance or material that poses an unreasonable risk to health, safety, or property or whose use, transport, storage, handling, disposal, or release is regulated by any law related to pollution,



## AT&T Dedicated Internet & Voice Bundle Agreement

protection of air, water, or soil, or health and safety. If AT&T encounters any such hazardous materials at a Site, AT&T may terminate the affected Service Component, or suspend performance until Customer remediates the condition.

**6.5. Independent Contractor Relationship:** Each party is an independent contractor. Neither party controls the other, and neither party nor its Affiliates, employees, agents or contractors are Affiliates, employees, agents or contractors of the other party.

**6.6. License and Third-Party Terms:** Software, Purchased Equipment and Third-Party Services, if any, may be provided subject to the terms of a separate license or other agreement between Customer and either the licensor, the third-party service provider or the manufacturer. Customer's execution of this Agreement is Customer's agreement to comply with such separate agreement. Unless a Service Publication specifies otherwise, AT&T's sole responsibility with respect to Third-Party Services is to place Customer's orders for Third-Party Services, except that AT&T may invoice and collect payment from Customer for the Third-Party Services.

**6.7. AT&T Equipment:** Title to AT&T Equipment will remain with AT&T. Customer must provide electric power for the AT&T Equipment, must keep the AT&T Equipment physically secure and free from liens and encumbrances and will bear the risk of loss or damage (other than ordinary wear and tear) to AT&T Equipment.

**6.8. Prices:** Unless this document states otherwise, the prices listed in the Agreement are stabilized for the Term and no promotion, credit, discount or waiver set forth in a Service Publication will apply.

**6.9. Taxes; Surcharges; Fees.** Prices in this Agreement are exclusive of, and Customer will pay, all current or future taxes, surcharges, recovery fees, shipping charges, and other similar charges.

**6.10. Billing, Payments and Deposits:** Payment is due thirty (30) days after the invoice date and must refer to the invoice number. Restrictive endorsements or other statements on checks are void. If Customer does not dispute a charge in writing within six (6) months date of the invoice in which the disputed charge initially appears, Customer waives the right to dispute the charge. AT&T may recover all costs (including attorney fees) of collecting delinquent or dishonored payments and may charge a late fee for overdue payments at the lower of 1.5% per month (18% per annum) or the maximum rate allowed by law; plus all costs (including attorney fees) of collecting delinquent or dishonored payments. AT&T may require Customer to establish a deposit as a condition of providing Services, and AT&T may apply such deposit to any charges owed. Customer authorizes AT&T to investigate Customer's credit and share information about Customer with credit reporting agencies.

**6.11. Expiration of Term:** At the end of the Term (but subject to any existing Minimum Payment Period), Customer may continue Service under a month-to-month service arrangement at the prices, terms and conditions in effect on the last day of the Term; however, upon expiration of the Term or applicable MPP, whichever is later, AT&T may change such prices, terms or conditions on 30 days' prior notice to Customer and either party may terminate such service arrangement upon thirty (30) days' notice.

**6.12. Termination and Suspension:** Either party may terminate this Agreement immediately upon notice if the other party becomes insolvent, ceases operations, is the subject of a bankruptcy petition, or makes an assignment for the benefit of its creditors. Either Party may terminate an affected Service for material breach, and AT&T may terminate or suspend (and later terminate) an affected Service, if such breach is not cured within 30 days of notice. If Customer is in violation of the AUP and fails to rectify the violation within five (5) days after receiving notice from AT&T, then AT&T may suspend or terminate the affected Service. Provided, however, if Customer: (i) commits a fraud upon AT&T; (ii) utilizes the Service to commit a fraud upon another party; (iii) unlawfully uses the Service; (iv) abuses or misuses AT&T's network or Service; or (v) interferes with another customer's use of AT&T's network or services, AT&T may terminate or suspend a Service, and, if the violating activity implicates the entire Agreement, terminate the entire Agreement, immediately upon notice. AT&T also has the right to suspend or terminate the applicable portion of the Service immediately when: (i) AT&T's suspension or termination is in response to multiple or repeated AUP violations or complaints; (ii) AT&T is acting in response to a court order or governmental notice that certain conduct must be stopped; or (iii) AT&T reasonably determines: (a) that it may be exposed to sanctions, liability, prosecution, or other adverse consequences under applicable law if AT&T were to allow the violation to continue; (b) that such violation may cause harm to or interfere with the integrity or normal operations or security of AT&T's network or networks with which AT&T is interconnected or interfere with another customer's use of AT&T Services or the Internet; or (c) that such violation otherwise presents imminent risk of harm to AT&T or AT&T's customers or their respective employees.

**6.13. Early Termination Charges:** If Customer terminates a Service or Service Component for Customer's convenience or AT&T terminates a Service or Service Component for cause, Customer must pay: (i) 50% of any unpaid recurring charges for the terminated Service Component attributable to the unexpired portion of an applicable Minimum Payment Period, (ii) if termination occurs before the end of an applicable Minimum Retention Period, any



## AT&T Dedicated Internet & Voice Bundle Agreement

associated credits or waived or unpaid non-recurring charges, and (iii) any access facilities cancellation charges and other third-party charges incurred by AT&T due to the termination. The charges set forth in this section will not apply if a terminated Service Component is replaced with an upgraded Service Component at the same Site, but only if the Minimum Payment Period or Minimum Retention Period, as applicable, (the "Minimum Period") and associated charge for the replacement Service Component are equal to or greater than the corresponding Minimum Period and associated charge for the terminated Service Component, respectively, and if the upgrade is not restricted in the applicable Service Publication.

**6.14. Withdrawal of Service or Service Component:** Notwithstanding that this Agreement may commit AT&T to provide a Service to Customer for a Term, unless applicable local law or regulation mandates otherwise, AT&T may discontinue a Service or a Service Component to similarly situated customers and terminate Customer's Service or Service Component upon 120 days' notice.

**6.15. Disclaimer of Warranties and Liability:** AT&T MAKES NO EXPRESS OR IMPLIED WARRANTY, DISCLAIMS ANY WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT AND DISCLAIMS ANY WARRANTIES ARISING BY USAGE OF TRADE OR BY COURSE OF DEALING. FURTHER, AT&T MAKES NO WARRANTY THAT TELEPHONE CALLS OR OTHER TRANSMISSIONS WILL BE ROUTED OR COMPLETED WITHOUT ERROR OR INTERRUPTION (INCLUDING 911 CALLS) AND MAKES NO WARRANTY REGARDING NETWORK SECURITY, THE ENCRYPTION EMPLOYED BY ANY SERVICE, THE INTEGRITY OF ANY DATA THAT IS SENT, BACKED UP, STORED OR LOAD BALANCED, THAT AT&T'S SECURITY PROCEDURES WILL PREVENT THE LOSS OR ALTERATION OF OR IMPROPER ACCESS TO CUSTOMER'S DATA AND INFORMATION OR THAT SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. AT&T WILL NOT BE LIABLE FOR ANY DAMAGES RELATING TO: INTEROPERABILITY, ACCESS OR INTERCONNECTION OF THE SERVICES WITH APPLICATIONS, DATA, EQUIPMENT, SERVICES, CONTENT OR NETWORKS PROVIDED BY CUSTOMER OR OTHERS; SERVICE DEFECTS, SERVICE LEVELS, DELAYS, SERVICE ERRORS OR INTERRUPTIONS, INCLUDING INTERRUPTIONS OR ERRORS IN ROUTING OR COMPLETING ANY 911 CALLS OR ANY OTHER CALLS OR TRANSMISSIONS (EXCEPT FOR LIABILITY EXPLICITLY SET FORTH HEREIN); LOST OR ALTERED TRANSMISSIONS; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF CUSTOMER'S OR OTHERS' APPLICATIONS, CONTENT, DATA, PROGRAMS, INFORMATION, NETWORKS OR SYSTEMS.

**6.16. Limitation of Liability:** AT&T'S ENTIRE LIABILITY AND CUSTOMER'S EXCLUSIVE REMEDY FOR DAMAGES ARISING OUT OF AT&T'S BREACH OF THIS AGREEMENT AND NOT DISCLAIMED UNDER THIS AGREEMENT SHALL NOT EXCEED THE APPLICABLE CREDITS SPECIFIED IN THE SERVICE PUBLICATION OR, IF NO CREDITS ARE SPECIFIED, AN AMOUNT EQUAL TO THE TOTAL NET CHARGES TO CUSTOMER FOR SERVICE TO WHICH SUCH BREACH RELATES DURING THE PERIOD IN WHICH SUCH BREACH OCCURS AND CONTINUES. THIS LIMITATION WILL NOT APPLY TO BODILY INJURY, DEATH OR DAMAGE TO REAL OR TANGIBLE PROPERTY DIRECTLY CAUSED BY AT&T'S NEGLIGENCE OR INTENTIONAL MISCONDUCT. ALL SOFTWARE AND PURCHASED EQUIPMENT IS PROVIDED TO CUSTOMER ON AN "AS IS" BASIS. NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY UNDER ANY CIRCUMSTANCES FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, PUNITIVE OR SPECIAL DAMAGES.

**6.17.** The above Disclaimer or Warranties and Liability and Limitations of Liability will apply regardless of the form of action, whether in contract, tort, strict liability or otherwise, of whether damages were foreseeable and of whether a party was advised of the possibility of such damages. These disclaimers and limitations of liability will survive failure of any exclusive remedies provided in this Agreement.

**6.18. Indemnity:** Customer agrees at its expense to defend, indemnify and hold harmless AT&T, its Affiliates and its and their employees, directors, subcontractors and suppliers or to pay all damages finally awarded against such parties on account of a third-party claim where: (i) the claim arises from Customer's or a User's use of a Service; (ii) the claim alleges a breach by Customer, its Affiliates or Users of a Software license agreement; or (iii) alleges that a Service infringes any patent, trademark, copyright or trade secret where the claimed infringement arises out of or results from: (a) Customer's, its Affiliate's or a User's content; (b) modifications to the Service by Customer, its Affiliate or a third party, or combinations of the Service with any non-AT&T services or products by Customer or others; (c) AT&T's adherence to Customer's or its Affiliate's written requirements; or (d) use of a Service in violation of this Agreement.

**6.19. ARBITRATION:** ALL CLAIMS AND DISPUTES ARISING FROM THIS AGREEMENT SHALL BE SETTLED BY BINDING ARBITRATION ADMINISTERED BY THE AMERICAN ARBITRATION ASSOCIATION UNDER ITS COMMERCIAL ARBITRATION RULES (SUBJECT TO THE REQUIREMENTS OF THE FEDERAL ARBITRATION ACT). ANY JUDGMENT ON ANY AWARD RENDERED MAY BE ENTERED AND ENFORCED IN A COURT HAVING JURISDICTION. THE ARBITRATOR SHALL NOT HAVE THE AUTHORITY TO AWARD ANY DAMAGES DISCLAIMED BY THIS AGREEMENT OR IN EXCESS OF THE LIABILITY LIMITATIONS IN THIS AGREEMENT, SHALL NOT HAVE THE AUTHORITY TO ORDER PRE-HEARING DEPOSITIONS OR DOCUMENT DISCOVERY, BUT MAY COMPEL ATTENDANCE OF WITNESSES AND PRODUCTION OF DOCUMENTS



## AT&T Dedicated Internet & Voice Bundle Agreement

AT THE HEARING. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY AND WAIVE ANY RIGHT TO PARTICIPATE IN OR INITIATE CLASS ACTIONS; IF THE PARTIES CANNOT WAIVE THESE RIGHTS, THIS ENTIRE PARAGRAPH IS VOID.

**6.20. General Provisions:** This Agreement and any pricing or other proposals are confidential to Customer and AT&T. Neither party may publicly disclose any confidential information of the other party without the prior written consent of the other, unless authorized by applicable law, regulation or court order. Until directed otherwise by Customer in writing, if AT&T designates a dedicated account representative as Customer's primary contact with AT&T, Customer authorizes that representative to discuss and disclose Customer's customer proprietary network information to any employee or agent of Customer without a need for further authentication or authorization. Each party will comply with all applicable laws and regulations and with all applicable orders issued by courts or other governmental bodies of competent jurisdiction. Each party is responsible for complying with the privacy laws applicable to its business. AT&T shall require its personnel, agents and contractors around the world who process Customer Personal Data to protect Customer Personal Data in accordance with the data protection laws and regulations applicable to AT&T's business. If Customer does not want AT&T to comprehend Customer data to which it may have access in performing Services, Customer must encrypt such data so that it will be unintelligible. Customer is responsible for obtaining consent from and giving notice to its Users, employees and agents regarding Customer's and AT&T's collection and use of the User, employee or agent information in connection with a Service. Customer will only make accessible or provide Customer Personal Data to AT&T when it has the legal authority to do so. AT&T may monitor electronic transmissions across its network to maintain compliance with its legal and regulatory obligations and to operate, maintain and enhance the network and Services. Where required by law, AT&T may provide Customer Personal Data to third parties such as courts, law enforcement or regulatory authorities. This Agreement may not be assigned by either party without the prior written consent of the other party, which consent will not be unreasonably withheld or delayed, except that AT&T may: (i) assign in whole or relevant part its rights and obligations under this Agreement to an AT&T Affiliate, or (ii) subcontract work to be performed under this Agreement, but AT&T will in each such case remain financially responsible for the performance of such obligations. Any claim or dispute arising out of this Agreement must be filed within two (2) years after the cause of action arises. This Agreement does not provide any third party (including Users) the right to enforce it or to any remedy, claim, liability, cause of action or other right or privilege. Unless a regulatory agency with jurisdiction over the applicable Service applies a different law this Agreement will be governed by the law of the State of Kansas, without regard to its conflict of law principles. The United Nations Convention on Contracts for International Sale of Goods will not apply. Except for payment of amounts due, neither party will be liable for any delay, failure in performance, loss or damage due to causes beyond such party's reasonable control, including strikes and labor disputes. Customer must send any notice required or permitted under this Agreement in writing to the AT&T address set forth above.

### 6.21. Definitions:

**"Affiliate"** of a party means an entity that controls, is controlled by, or is under common control with such party.

**"API"** means an application program interface used to make a resources request from a remote implementer program. An API may include coding, specifications for routines, data structures, object classes, and protocols used to communicate between programs.

**"AT&T Equipment"** equipment owned by AT&T and located at Customer's premises.

**"Customer Personal Data"** means information that identifies an individual, that Customer directly or indirectly makes accessible to AT&T in the course of providing the Services.

**"Minimum Payment Period"** means the minimum period identified in the Agreement during which Customer is required to pay recurring charges for the Service Component.

**"Minimum Retention Period"** means the Minimum Retention Period identified for a Service Component in a Pricing Schedule or Service Publication during which Customer is required to maintain service to avoid the payment (or repayment) of certain credits, waived charges or amortized charges.

**"Purchased Equipment"** means equipment or other tangible products Customer purchases under this Agreement, including any replacements of Purchased Equipment provided to Customer. Purchased Equipment includes any internal code required to operate such equipment and any physical media provided to Customer on which Software is stored, but does not include Software.

**"Service Component"** means an individual component of a Service provided under this Agreement.

**"Site"** means a physical location, including Customer's collocation space on AT&T's or subcontractor's property, where AT&T installs or provides Service.

**"Software"** means any software (including APIs and all associated written and electronic documentation and data) provided to Customer for a Service.

**"Third-Party Service"** means a service provided directly to Customer by a third party under a separate agreement between Customer and the third party.

**"User"** means anyone who uses or accesses any Service provided to Customer.

FOR VOICE OVER INTERNET PROTOCOL (VOIP) SERVICES, THE UNDERSIGNED, ON BEHALF OF CUSTOMER, ACKNOWLEDGES THAT CUSTOMER HAS RECEIVED AND UNDERSTANDS THE ADVISORIES CONCERNING THE CIRCUMSTANCES UNDER WHICH E911 SERVICE USING A VOICE OVER IP SYSTEM MAY NOT BE AVAILABLE OR MAY BE IN SOME WAY LIMITED BY COMPARISON TO USING TRADITIONAL WIRELINE TELEPHONE SERVICE. SUCH CIRCUMSTANCES INCLUDE, BUT ARE NOT LIMITED TO, RELOCATION OF THE END USER'S TELEPHONE SETS



AT&T Dedicated Internet & Voice Bundle Agreement

OR OTHER EQUIPMENT, USE OF A NON-NATIVE OR VIRTUAL TELEPHONE NUMBER, FAILURE IN THE BROADBAND CONNECTION, LOSS OF ELECTRICAL POWER, AND DELAYS THAT MAY OCCUR IN UPDATING THE CUSTOMER'S LOCATION IN THE AUTOMATIC LOCATION INFORMATION DATABASE. THE ADVISORIES ARE FURTHER PROVIDED IN THE SERVICE PUBLICATION.

By signing below, the person signing on behalf of customer personally represents and warrants to AT&T that he or she has the authority and power to sign on behalf of Customer and bind Customer to this Agreement. Customer understands and agrees to be bound by the terms and conditions for service as described in the attached terms and conditions, including but not limited to all terms and conditions incorporated by reference. THIS AGREEMENT INCLUDES AN ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES. This Agreement is effective when signed by both Customer and AT&T Corp. ("Effective Date").



Customer (by its authorized representative)	AT&T Corp. (by its authorized representative)
By:	By:
Name:	Name:
Title:	Title:
Date:	Date:



**AT&T Dedicated Internet & Voice Bundle Agreement**

**Letter of Authorization to Obtain Customer Service Records Only**

Customer Name: CITY OF PRAIRIE VILLAGE	AT&T	Customer Account #:
Customer Full Address & Zip: 7700 MISSION RD PRAIRIE VILLAGE KS 66208	AT&T Full Address & Zip: 3656 Massillon Rd Uniontown OH 44685	Customer Contact: Tel. #: 9133854602  AT&T Contact: Tel. #: 8888156496 Email ID: mm738c@att.com
Master Customer No.:	AE PID:	

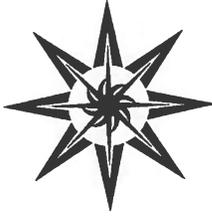
1. I appoint AT&T as my agent to request Customer Service Records (CSRs) with the Local Exchange Company(s) (LEC) for analyzing Local Service. This appointment shall extend to all service accounts for which customer appears as the customer of record.

2. This Appointment is applicable to the following location  (Choose one)	Blanket LOA (For all locations in the United States)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
---	---	---

3. I certify that I am either the customer of record for these lines or that I am authorized by the customer of record to make this decision.

<b>ORDERED BY CUSTOMER:</b> CITY OF PRAIRIE VILLAGE	
Signature:	
Printed Name:	
Title:	
Date:	

This authorization shall continue in force unless and until revoked by the customer.



## **POLICE DEPARTMENT**

**Council Meeting Date: January 21, 2020**

**CONSENT AGENDA: Consider the Agreement with the Kansas City Crime Commission for the TIPS Hotline Crime Stoppers Program**

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### **RECOMMENDATION**

Staff recommends the Council continue to participate in and approve the contract with the Kansas City Crime Commission for the TIPS Hotline Crime Stoppers Program. Funds for the \$3,000.00 annual fee were approved by the Council in the 2020 Public Safety Budget in line item 01-03-21-6009-028.

### **BACKGROUND**

For many years the City of Prairie Village, along with numerous other law enforcement and municipal agencies, has been a joint sponsor in the Kansas City Crime Commission TIPS Hotline. No contract changes were stipulated and the City Attorney has reviewed and approved previous contracts.

### **ATTACHMENTS**

#### **PREPARED BY**

Tim M. Schwartzkopf  
Chief of Police  
Date: January 7, 2020

# **Invoice**

Name: City of Prairie Village

Address: 7700 Mission Road  
Prairie Village, KS 66208

***Crime Stoppers Annual Contract for 816-474-TIPS Hotline Services for 2020:  
\$3,000***

Please remit payment at your earliest convenience to:

Kansas City Metropolitan Crime Commission  
3100 Broadway, Suite 226  
Kansas City, MO 64111

Contact: Britt Hill-Dixon

[bhilldixon@kc-crime.org](mailto:bhilldixon@kc-crime.org) or (816) 960-6800

**KANSAS CITY METROPOLITAN**  
**CRIME COMMISSION**

3100 Broadway, Suite 226  
Kansas City, Missouri 64111  
(816) 960-6800

January 3, 2020

City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Contract Year 2020

AMOUNT DUE FOR CRIME STOPPERS ANNUAL CONTRACT FOR  
816-474-TIPS HOTLINE SERVICES

Minimum Due for 2020	\$3,000
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*Amount due and payable upon receipt.*

*Thank you for your support!*

**CONTRACT**

This Contract is entered into this year, 2020, by and between the City of Prairie Village and the Kansas City Metropolitan Crime Commission a Missouri not-for-profit corporation located at 3100 Broadway, Suite #226, Kansas City, Missouri 64111.

**WHEREAS**, the Crime Commission has run and continues to run a Crime Stoppers program promoting the 816-474-TIPS Hotline Program in the Greater Kansas City area, which includes Johnson and Wyandotte Counties in Kansas and Cass, Clay, Jackson, Lafayette, Platte and Ray Counties in Missouri.

**WHEREAS**, the City of Prairie Village wishes to contract with the Crime Commission to provide this service in Prairie Village, KS.

**NOW, THEREFORE**, the parties agree as follows:

1. The City of Prairie Village will pay the Crime Commission an annual fee of \$3,000.00 dollars, payable on the date hereof and on each anniversary date of the date hereof during the term of this contract. Such annual fee may be adjusted each year as the parties hereto may agree.
2. The Crime Commission will provide its Crime Stoppers Program in Prairie Village which the program shall include, at a minimum, the following services:
  - a) Maintain the Crime Stoppers Hotline, (currently 816-474-TIPS) which will be answered a minimum of eight hours per day;
  - b) Provide publicity concerning the availability of the Crime Stoppers TIPS Hotline;
  - c) Provide rewards for information leading to the arrest, issuance of a warrant or indictment, which results from calls to the Crime Stoppers TIPS Hotline;
  - d) Forward information received on the Crime Stoppers TIPS Hotline regarding crimes in Prairie Village, KS.

3. The parties agree, that the services to be provided by the Crime Commission are being provided strictly on a contract basis and that the Crime Commission is not and shall not be considered a part of Prairie Village, KS or the City of Prairie Village. The Crime Commission shall not be subject to any control by Prairie Village or the City of Prairie Village.

4. This contract shall be for an initial term of one year, commencing on the date hereof. Upon expiration of the initial term of this Contract, and upon expiration of each additional one year period thereafter, the term of this Contract shall be extended automatically for a period of one year, unless and until either party hereto gives written notice to the other party hereto of its intent not to extend the term of this Contract for an additional one year period.

5. This Contract shall not be assignable without the prior written consent of both parties. Any purported assignment without such written consent shall be void.

**IN WITNESS WHEREOF**, the parties have executed this Contract the year and date first above written.

**Prairie Village, KS**

By \_\_\_\_\_

ATTEST: \_\_\_\_\_

KANSAS CITY METROPOLITAN CRIME COMMISSION

By  \_\_\_\_\_  
Rick Armstrong

ATTEST: \_\_\_\_\_

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- e) Maintain the Crime Stoppers Hotline, (currently 816-474-TIPS) which will be answered a minimum of eight hours per day;
- f) Provide publicity concerning the availability of the Crime Stoppers TIPS Hotline;
- g) Provide rewards for information leading to the arrest, issuance of a warrant or indictment, which results from calls to the Crime Stoppers TIPS Hotline;
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**IN WITNESS WHEREOF**, the parties have executed this Contract the year and date first above written.

**Prairie Village, KS**

By \_\_\_\_\_

ATTEST: \_\_\_\_\_

KANSAS CITY METROPOLITAN CRIME COMMISSION

By  \_\_\_\_\_  
Rick Armstrong

ATTEST: \_\_\_\_\_

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The Kansas City Metropolitan  
Crime Commission

**OFFICERS**

BOYD MCGATHEY, *CHAIR*  
BRAD SPRONG, *PAST CHAIR*  
DAVE JOHNSON, *CHAIR-ELECT*  
CHRISTOPHER FISHER, *VICE CHAIR*  
SARAH SMITH, *VICE CHAIR*  
KARL ZOBRIST, *VICE CHAIR*  
RON JURY, *TREASURER*  
RICK ARMSTRONG, *PRESIDENT*

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BILL GROJEAN  
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WAYNE GODSEY  
TERRY KILROY  
CAROL MARINOVICH  
ROBERT REINTJES, SR.  
CLIFF SARGEON  
KENT SUNDERLAND  
BAILUS TATE

January 3, 2020

Chief Tim M. Schwartzkopf  
City of Prairie Village  
7700 Mission Road  
Prairie Village, KS 66208

Chief Tim M. Schwartzkopf:

Thank you for being a loyal supporter of Crime Stoppers. Without your support Crime Stoppers, would not exist. Your support and partnership are very important to us, and we know **you are one of the reason's the TIPS Hotline is successful.**

It is time for the renewal of your contract with the Crime Stoppers TIPS Hotline. Here are just a few reasons to continue your support of Crime Stoppers:

- Crime Stoppers has received more than 4,618 TIPS leading to 118 arrests through October 2019.

In cooperation with the Kansas City, Missouri Police Department and the City of Kansas City, Missouri, Crime Stoppers introduced enhanced rewards of "up to \$25,000.00" for KCMO homicides in June of 2019. Since then, homicide tips are up 105% and 6 KCMO homicides have been solved.

- Kansas City's Most Wanted Newspaper publishes 50+ local fugitives, giving area departments and citizens easy access to the wanted fugitives' listings. There have been 574 arrests from the Kansas City's Most Wanted Newspaper since 2006.
- Scholastic Crime Stoppers has seen success in combating school-based issues including, twelve (14) suicide interventions and the program is in over 70 schools in the metropolitan area.
- Visit the newly redesigned Crime Stoppers website "[www.kccrimestoppers.com](http://www.kccrimestoppers.com)" to view Unsolved Crimes, Wanted Suspects, Upcoming Events and more.

Like you, Crime Stoppers is passionate about fighting crime and making our communities safer. Thank you for being a Crime Fighter. Together we get hundreds of dangerous fugitives off our streets and out of our neighborhoods.

Sincerely,

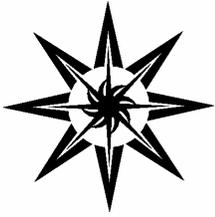
Rick Armstrong  
President



3100 Broadway Blvd, Suite 226  
Kansas City, MO 64111

816-960-6800  
[www.kc-crime.org](http://www.kc-crime.org)

*Crime Stoppers is a division of the Kansas City Metropolitan Crime Commission*



## PARKS AND RECREATION

Parks & Recreation Meeting Date: January 15, 2020

City Council Meeting Date: January 21, 2020

**CONSENT AGENDA:**      **Consider Approval of the 2020 Contract with Challenger Sports**

---

### **RECOMMENDATION**

Recommend approval of the recreation contracts with Challenger Sports for British Soccer and TinyTykes.

### **BACKGROUND**

The City annually enters into a contract with this outside agency to offer recreation programming. The agreement is similar to ones we have signed in previous years. Full details are outlined in the agreement.

### **FINANCIAL IMPACT**

There are no direct costs to the City in administering these contracts outside of normal park maintenance costs and minimal administrative staff time. The service providers directly charge and collect fees of which a nominal portion is passed on to the City to cover the above costs.

### **ATTACHMENTS**

British Soccer and TinyTykes Agreement

### **PREPARED BY**

Meghan Buum

Assistant City Administrator

Date: January 15, 2020

**AGREEMENT BETWEEN THE CITY OF PRAIRIE VILLAGE  
AND CHALLENGER SPORTS - 2020**

The undersigned, Challenger Sports, a corporation organized and existing under the laws of the State of Kansas, located at 8263 Flint, Lenexa, KS 66214 (hereinafter termed "Challenger") and the City of Prairie Village, a municipal corporation (hereinafter termed "City"), enter into the following rental agreement with regard to dates and terms specified below. This rental agreement is for the purpose of conducting Tiny Tykes & International Soccer camps for the children of Prairie Village and surrounding area.

Challenger and the City do hereby agree to the following terms:

**Services Provided:**

Challenger shall make available, conduct, and maintain (6) weekly instructional Tiny Tyke classes in accordance with the terms of this Agreement. There will be at least one qualified coach for each coaching group (6-12) campers. Classes will run for 45 minutes and consist of six (6) weekly sessions with following options:

Cubs is 9-9:45am for ages 2-3; Lions is 10-10:45am for ages 4-5

Challenger shall make available, conduct, and maintain (1) instructional International Soccer camp in accordance with the terms of this Agreement. There will be at least one qualified coach for each coaching group (12-15) campers. The morning camp will span 9am-12pm and consist of five (5) sessions with following camp options:

Half Day is three (3) hours from 9am-12pm for ages 5-14.

Challenger shall not be required to conduct the camps if it is determined by mutual agreement of the parties that there is not sufficient interest among participants to justify the camp.

**Cost of Camp:**

Tiny Tykes Cubs/Lions - \$90

International Soccer Half Day - \$159

Challenger shall be in charge of collecting these fees from participants.

**Facility Reserved:**

Challenger and the City agree that these programs will be held at Taliaferro Park, which is located in the City of Prairie Village, Kansas.

**2020 Program Dates:**

Tiny Tykes: April 2 - May 7th for 6 sessions/weeks

International Soccer: June 15-19 for 5 days

In the event of a cancelled session due to weather, the City will allow the use of said facility at no additional cost to Challenger for make-up days mutually agreed upon.

**Facility Use/ Condition:**

The City will allow Challenger exclusive use of said facility for them afore mentioned dates/times. This applies to all applicable areas of said facility, including, but not limited to all playing field areas, restrooms, and covered shelter areas. However, Challenger understands that the facility is a public park and the residents of Prairie Village may reasonably use the portions of the facility not in use by Challenger.

The City also agrees to prepare the facility (i.e. Proper lawn care, sanitize restrooms and shelters, removal of trash, etc.) prior to the first day of camp. Challenger and the City will agree upon the satisfactory condition of the facility within seven (7) days prior to the start of the first day of camp. Any additional facility maintenance agreed upon by both parties will be provided by the City throughout the camp week at no additional charge.

In the event of any property damage caused directly through the negligence of or the act or actions of Challenger or participants in said camp program, the City will notify Challenger within five (5) business days of the damage and any related claims against Challenger; and Challenger shall be liable for the costs of repair or replacement thereof.

**Rental Payment:**

Challenger agrees to pay a rental fee per student enrolled in said programs.

Tiny Tykes = \$10 per student ; International Soccer = \$15 per student

This fee is intended to reimburse the City for its costs in making the facility available for the camps. Challenger will pay the City of Prairie Village by check no later than June 1, 2020 (Tiny Tykes) and September 1, 2020 (International Soccer). This shall be the only payment required in consideration of the use of said site for said camp. Challenger, as proof of camp attendance, will provide enrollment rosters.

**Insurance:**

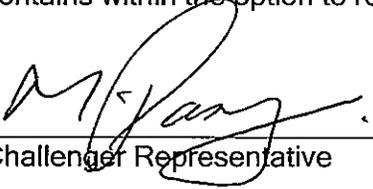
Challenger will provide proof of insurance prior to the first day of camp. The City will be recognized as a Certificate Holder and a copy of the insurance certificate will be sent to the City.

**Liability:**

The City shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury or injuries to any person or persons or property of any kind whatsoever, whether the person or property of Challenger, its agents, employees, or camp attendants, from any cause or causes whatsoever while in or upon the facility or any part thereof during the term of the camp or occasioned by any occupancy or use of the facility or any activity carried on by Challenger in connection therewith. Challenger agrees to indemnify and save harmless the City from any claim or loss by reason of Challenger's, or any camp attendant under the supervision of Challenger, or person connected thereto, use or misuse of the facility and from any claim or loss by reason of any accident or damages, during the camp, to any person or property happening on or in said facility.

**The Agreement:**

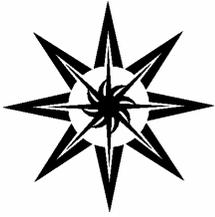
When signed by an authorized representative of both parties, this document accurately reflects the entire and only agreement between these parties. This agreement may be modified only in writing signed by an authorized representative of each party. This constitutes as an agreement between Challenger and the City with respect to the 2020 Challenger Camp season, from March 1, 2020 to September 1, 2020, and supersedes all prior representations and agreements. This agreement also contains within the option to renew annually upon the written consent of both parties.

  
\_\_\_\_\_  
Challenger Representative

1/14/2020  
\_\_\_\_\_  
Date

\_\_\_\_\_  
City of Prairie Village Representative

\_\_\_\_\_  
Date



## PARKS AND RECREATION

Parks & Recreation Meeting Date: November 13, 2019

Council Committee Date: January 6, 2020

City Council Meeting Date: January 21, 2020

**COU2020-03: Consider 2020 Recreation Fee Schedule**

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### **RECOMMENDATION**

Recommend approval of the 2020 Recreation Fee Schedule as approved by the Parks & Recreation Committee.

### **BACKGROUND**

Per Council direction, staff annually reviews recreation fees to ensure they are reasonable and keep pace with any operational increases. In 2016, the City's pool memberships were restructured and simplified to include a resident/non-resident rate for individuals, seniors, and a 5 swim card. At that time, direction was given to shift price increases to a \$5 increment every 3-5 years versus minor increases each year with the goal of having rounded fees (e.g. \$57 vs. \$60).

The Parks & Recreation Committee voted in their November 13, 2019 meeting to recommend only minor changes to the fee schedule in 2020:

- Adjustment of the age requirement for a pool pass from age one to age two
- Removal of tennis programs that are managed by Johnson County Park and Recreation District

### **FINANCIAL IMPACT**

The average General Fund subsidy for the past three seasons for the pool is roughly \$190,000. This does not include personnel costs for Public Works, Information Technology, or Administration.

### **ATTACHMENTS**

2020 Recreation Fee Schedule as approved by the Parks & Recreation Committee  
Pool Memberships & Attendance Trends

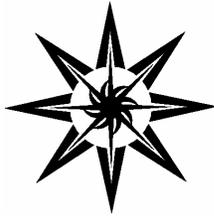
### **PREPARED BY**

Meghan Buum

Assistant City Administrator

Date: December 27, 2019





## PUBLIC WORKS DEPARTMENT

Consent Agenda: January 21, 2020

### **CONSIDER INTERLOCAL AGREEMENT WITH JOHNSON COUNTY FOR PROJECT ROAV0006: ROE AVENUE, 83<sup>RD</sup> STREET TO 91<sup>ST</sup> STREET**

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#### **RECOMMENDATION**

Move to approve the interlocal agreement with Johnson County for Project ROAV0006: Roe Avenue, 83<sup>rd</sup> Street to 91<sup>st</sup> Street.

#### **BACKGROUND**

The Governing Body approved the City of Prairie Village annual County Assistance Road System (CARS) Program submittal at the March 18, 2019 City Council meeting which included the Roe Avenue, 83<sup>rd</sup> Street to 91<sup>st</sup> Street project. The Johnson County Board of Commissioners has approved our submittal for funding.

An Interlocal Agreement has been received from Johnson County for execution by Prairie Village. This agreement will limit the County share to 50% of the project's construction costs or \$326,000. The County's funding for this project comes from the (CARS) Program.

This project is a part of the 2020 CIP.

#### **FUNDING SOURCE**

Funding is available in the CIP project ROAV0006.

#### **ATTACHMENTS**

1. Interlocal Agreement with Johnson County (320001331)

#### **PREPARED BY**

Melissa Prenger, Senior Project Manager

January 15, 2020

**Agreement between Johnson County, Kansas,  
and the City of Prairie Village, Kansas, for the Public Improvement of  
Roe Avenue from 83rd Street to 91st Street  
(320001331)**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by and between the Board of County Commissioners of Johnson County, Kansas ("Board") and the City of Prairie Village, Kansas, ("City").

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public in making certain public improvements to Roe Avenue from 83rd Street to 91st Street (the "Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to execute any and all Agreements for County participation in any CARS Program project which has been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.

2. **Estimated Cost and Funding of Project**

a. The estimated cost of the Project (“Project Costs”), a portion of which is reimbursable under this Agreement, is Six Hundred Sixty Two Thousand Dollars (\$662,000).

b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.

c. The Project Costs shall be allocated between the parties as follows:

i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed Three Hundred Twenty Six Thousand Dollars (\$326,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the City may be reimbursed through any source other than the general residents or taxpayers of the City. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:

1. Land acquisition, right-of-way acquisition, or utility relocation;
2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and;
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 et seq., and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

- ii. The City shall pay One Hundred Percent (100%) of all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.

3. **Financing**

- a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.
- b. The City shall pay its portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing body of the City.

4. **Administration of Project.** The Project shall be administered by the City, acting by and through its designated representative who shall be the City public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:

- a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the Project Costs.
- b. Submit a copy of the plans and specifications for the Project to the Johnson County Public Works Director for review, prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the copy of the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.
- c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City. In the solicitation of bids, the appropriate combination of best bids shall be determined by the City.
- d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.
- e. Submit to the Public Works Director a statement of actual costs and expenses in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the

month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas, (“Finance Director”) cause payment to be made to the City of the Board's portion of the Project Costs within thirty (30) days after receipt of such payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this subsection, the Public Works Director and the Finance Director may authorize such payment.

- f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all Project Costs incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the City that to the extent permitted by law and subject to the provisions of the Kansas Tort Claims Act including but not limited to maximum liability and immunity provisions, the City agrees to indemnify and hold the County, its officials, and agents harmless from any cost, expense, or liability not expressly agreed to by the County which result from the negligent acts or omissions of the City or its employees or which result from the City's compliance with the Policy and Procedures.

This agreement to indemnify shall not run in favor of or benefit any liability insurer or third party.

In addition, the City of Prairie Village shall, and hereby agree to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City of Prairie Village harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.

The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

**5. Acquisition of Real Property for the Project**

- a. The Board shall not pay any costs for acquisition of real property in connection with the Project.
- b. The City shall be responsible for the acquisition of any real property, together with improvements thereon, located within the City's corporate boundaries, which is required in connection with the Project; such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. **Duration and Termination of Agreement**

- a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. herein below. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The City shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.
- b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project by the City. In the event that the Public Works Director determines that satisfactory progress is not being made on the Project due to the City's breach of this Agreement by not meeting the agreed upon project deadlines or otherwise not complying with the terms of this Agreement, the Public Works Director is authorized to notify the City that it shall have thirty (30) days from receipt of such notification to take steps to cure the breach (the "Cure Period"). It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director, that satisfactory progress is not being made on the Project and that the City has not taken sufficient steps to cure the breach during the Cure Period. Should the Board exercise its option as provided herein, it shall send written notice of the same to the City and the Board shall have no further liability or obligation under this Agreement.

7. **Placing Agreement in Force.** The attorney for the City shall cause sufficient copies of this Agreement to be executed to provide each party with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

**Board of County Commissioners of  
Johnson County, Kansas**

**City of Prairie Village, Kansas**

---

Ed Eilert, Chairman

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Eric Mikkelson, Mayor

Attest:

Attest:

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Lynda Sader  
Deputy County Clerk

---

City Clerk

Approved as to form:

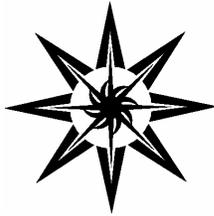
Approved as to form:

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Robert A. Ford  
Assistant County Counselor

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City Attorney



## PUBLIC WORKS DEPARTMENT

Consent Agenda: January 20, 2020

### **CONSIDER INTERLOCAL AGREEMENT WITH THE CITY OF OVERLAND PARK FOR STREET MAINTENANCE ON STREETS SHARED WITH PRAIRIE VILLAGE.**

#### **RECOMMENDATION**

Move to approve the interlocal agreement with Overland Park for street maintenance overlay on Nall Avenue from 83<sup>rd</sup> Street to 95<sup>th</sup> Street for Project NAAV003.

Move to approve the interlocal agreement with Overland Park for street maintenance on Lamar Avenue from 78<sup>th</sup> Street to 83<sup>rd</sup> Street; on 83<sup>rd</sup> Street from Nall Avenue to Lamar Avenue; and on 78<sup>th</sup> Street from Lamar to Walmer.

#### **BACKGROUND**

The Governing Body approved the City of Prairie Village annual County Assistance Road System (CARS) Program submittal at the March 18, 2019 City Council meeting which included the Overland Park administered Nall Avenue, 83<sup>rd</sup> Street to 95<sup>th</sup> Street project. The Johnson County Board of Commissioners has approved our submittal for funding. The City of Overland Park will administer this project on our shared portion of Nall Avenue.

The local Prairie Village share of this project is \$250,000. This project is a part of the 2020 CIP as NAAV0003.

The City of Overland Park will be performing street maintenance on Lamar Avenue, 83<sup>rd</sup> Street, and 78<sup>th</sup> Street. These shared streets will be receiving a chip seal surface treatment from Overland Park in line with streets around them for this cycle. This project will be part of a larger maintenance project for Overland Park. The local Prairie Village share of this project is \$59,971.91.

#### **FUNDING SOURCE**

Funding is available in the CIP project NAAV0003 for Nall Avenue, 83<sup>rd</sup> Street to 95<sup>th</sup> Street.

Funding is available in the maintenance project, Micro Paving Program P5038.

#### **ATTACHMENTS**

1. Interlocal Agreement with Overland Park -MR1998 (CARS 320001330)
2. Interlocal Agreement with Overland Park -MR-2001

#### **PREPARED BY**

Melissa Prenger, Senior Project Manager

January 15, 2020

AGREEMENT BETWEEN THE CITY OF OVERLAND PARK, KANSAS, AND THE CITY OF PRAIRIE VILLAGE, KANSAS, FOR THE PUBLIC IMPROVEMENT OF NALL AVENUE FROM 83<sup>RD</sup> STREET TO 95<sup>TH</sup> STREET (JOHNSON COUNTY CARS PROJECT NUMBER 320001330; OVERLAND PARK PROJECT NUMBER MR-1998).

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the CITY OF OVERLAND PARK, KANSAS (hereinafter "OVERLAND PARK"), and the CITY OF PRAIRIE VILLAGE, KANSAS (hereinafter "PRAIRIE VILLAGE"), each party having been organized and now existing under the laws of the State of Kansas (hereinafter OVERLAND PARK and PRAIRIE VILLAGE may be referred to singularly as the "Party" and collectively as the "Parties").

WITNESSETH:

WHEREAS, the Parties hereto have determined it is in their best interest to make the public improvement to Nall Avenue from 83<sup>rd</sup> Street to 95<sup>th</sup> Street as such improvement is hereinafter described; and

WHEREAS, K.S.A. 12-2908 and K.S.A. 68-169 authorizes the Parties hereto to cooperate in making the public improvement; and

WHEREAS, the Governing Bodies of each of the Parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A. 12-2908 and K.S.A. 68-169; and

WHEREAS, the Governing Body of PRAIRIE VILLAGE did approve and authorize its mayor to execute this Agreement by official vote of the Body on the \_\_\_\_ day of \_\_\_\_\_, 2020; and

WHEREAS, the Governing Body of OVERLAND PARK did approve and authorize its mayor to execute this Agreement by official vote of the Body on the \_\_\_\_ day of \_\_\_\_\_, 2020.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The Parties hereto enter into this Agreement for the purpose of constructing the public improvement on Nall Avenue from 83<sup>rd</sup> Street to 95<sup>th</sup> Street as heretofore described by performing the following work:

Cold milling approximately two (2) inches of surface asphalt pavement and overlay with two (2) inches of asphalt; reconstructing storm sewer inlets as required; installing new pavement markings; repairing new sidewalk ramps as required by the Americans with Disabilities Act; repairing or replacing deteriorated curbs and gutters, medians, and sidewalk as required; and other items incidental to the street reconstruction (hereinafter the "Improvement")

2. ESTIMATED COST OF PROJECT.

A. The estimated cost of construction of the Improvement covered by this Agreement, exclusive of the cost of right-of-way or easement acquisition, is ONE MILLION TWO HUNDRED SEVENTEEN THOUSAND SIX HUNDRED SEVENTY-SIX AND 00/100 DOLLARS (\$1,217,676.00).

- B. The cost of making the Improvement shall include:
- (1) Labor and material used in making the Improvement; and
  - (2) Such other expenses which are necessary in making the Improvement, exclusive of the cost of acquiring real property and any improvement thereon for the location of the Improvement. These expenses include but are not limited to design, project administration, construction inspection, material testing and utility relocations.
- C. The Parties anticipate receipt of CARS Funding of FIVE HUNDRED FORTY-TWO THOUSAND AND 00/100 DOLLARS (\$542,000.00) to help pay a portion of the cost of the Improvement.
- D. The remaining cost of making the said Improvement shall be distributed between the Parties as follows:
- (1) PRAIRIE VILLAGE shall pay **37%** of the local share of said Improvement (estimated to be **\$250,000.00**).
  - (2) OVERLAND PARK shall pay **63%** of the local share of said Improvement (estimated to be **\$425,676.00**).
  - (3) Each Party shall acquire and pay all costs associated with the right-of-way or easement acquisition for that portion of the project located within its respective boundary. Additionally, each Party shall pay the cost of financing and/or bonding its share of the project cost.
3. FINANCING. OVERLAND PARK and PRAIRIE VILLAGE shall each pay their portion of the cost with monies budgeted and appropriated funds.
4. OVERLAND PARK ADMINISTRATION OF PROJECT. It is acknowledged and understood between the Parties that since there are two separate entities included within the proposed Improvement, one of the entities should be designated as being “in charge” of the project to provide for its orderly design and construction. However, both entities shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The Improvement shall be constructed and the job administered by OVERLAND PARK acting by and through the OVERLAND PARK Director of Public Works (hereinafter the “PW Director”), who shall be the principal public official designated to administer the Improvement; provided, the PW Director shall, among his several duties and responsibilities, assume and perform the following:
- A. Make all contracts for the Improvement, including soliciting bids by publication in the official newspaper of OVERLAND PARK. In the solicitation of bids, the most favorable bid shall be determined by OVERLAND PARK administering the project and the Governing Body of OVERLAND PARK approving the lowest responsible bidder for the project, except that the Governing Body of PRAIRIE VILLAGE reserves the right to reject the successful bidder in the

event that the bid price exceeds the engineer's estimate. If all bids exceed the estimated cost of the Improvement, then either OVERLAND PARK or PRAIRIE VILLAGE shall have the right to reject the bid. In such case, the project shall rebid at a later date.

- B. Submit to PRAIRIE VILLAGE on or before the 10th day of each month, or as received, estimates of accrued costs of constructing the Improvement for the month immediately preceding the month the statement of costs is received; provided that PRAIRIE VILLAGE shall within thirty (30) days after receipt of a statement of costs as aforesaid, remit their portion of the accrued costs to OVERLAND PARK as herein agreed.
- C. Upon completion of the Improvement, the PW Director shall submit to PRAIRIE VILLAGE a final accounting of all costs incurred in making the Improvement for the purpose of apportioning the same among the Parties as provided herein.
- D. PRAIRIE VILLAGE shall be named as additional insured on all applicable certificates of insurance issued by any contractor for this Improvement (the "Contractor(s)").
- E. OVERLAND PARK shall require performance and completion bonds for the Improvement from all Contractors and require that all Contractors discharge and satisfy any mechanics or materialman's liens that may be filed.
- F. OVERLAND PARK shall require that any Contractor provide a two-year performance and maintenance bond for the Improvement. As Administrator, OVERLAND PARK will, upon request of PRAIRIE VILLAGE, make any claim upon the maintenance bond or performance bond and require that the Contractor fully perform all obligations under the performance and maintenance bonds, and this obligation shall survive the termination of this Agreement and shall be in force and effect for the full term of the performance and maintenance bond.
- G. OVERLAND PARK shall include in contracts for construction a requirement that the Contractor defend, indemnify and save OVERLAND PARK and PRAIRIE VILLAGE harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the acts or omissions of the Contractor and the performance of his or her contract.

5. DURATION AND TERMINATION OF AGREEMENT. The Parties hereto agree that except for the obligations of OVERLAND PARK which may arise after completion of the Improvement as set forth in Section 4, Paragraph F, above, this Agreement shall exist until the completion of the aforesaid Improvement, which shall be deemed completed upon certification to each of the Parties hereto by the PW Director advising that the Improvement has been accepted by him as constructed; provided that upon the occurrence of such certification by the PW Director, this Agreement shall be deemed terminated and of no further force or effect.

6. PLACING AGREEMENT IN FORCE. The administering body described in Section 4 hereof shall

cause this Agreement to be executed in triplicate. Each Party hereto shall receive a duly executed copy of this Agreement for their official records.

- 7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.
- 8. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in triplicate by each of the Parties hereto on the day and year first above written.

CITY OF OVERLAND PARK, KANSAS

By \_\_\_\_\_  
CARL GERLACH, MAYOR

ATTEST:

\_\_\_\_\_  
ELIZABETH KELLEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
TREVOR L. STILES  
SENIOR ASSISTANT CITY ATTORNEY

CITY OF PRAIRIE VILLAGE, KANSAS

By \_\_\_\_\_  
ERIC MIKKELSON, MAYOR

ATTEST:

\_\_\_\_\_  
ADAM GEFFERT, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID WATERS, CITY ATTORNEY

AGREEMENT BETWEEN THE CITY OF OVERLAND PARK, KANSAS, AND THE CITY OF PRAIRIE VILLAGE, KANSAS, FOR THE PUBLIC IMPROVEMENT OF 83<sup>RD</sup> STREET FROM THE EAST SIDE OF LAMAR AVENUE TO THE CENTERLINE OF NALL AVENUE; LAMAR AVENUE FROM THE CENTERLINE OF 78<sup>TH</sup> STREET TO THE CENTERLINE OF 83<sup>RD</sup> STREET; AND 78<sup>TH</sup> STREET FROM THE CENTERLINE OF WALMER STREET TO THE WEST SIDE OF LAMAR AVENUE (MR-2001).

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the CITY OF OVERLAND PARK, KANSAS (hereinafter "OVERLAND PARK"), and the CITY OF PRAIRIE VILLAGE, KANSAS (hereinafter "PRAIRIE VILLAGE"), each party having been organized and now existing under the laws of the State of Kansas (hereinafter OVERLAND PARK and PRAIRIE VILLAGE may be referred to singularly as the "Party" and collectively as the "Parties").

WITNESSETH:

WHEREAS, the Parties hereto have determined it is in their best interest to make the public improvement to 83<sup>rd</sup> Street from the east side of Lamar Avenue to the centerline of Nall Avenue; Lamar Avenue from the centerline of 78<sup>th</sup> Street to the centerline of 83<sup>rd</sup> Street; and 78<sup>th</sup> Street from the centerline of Walmer Street to the west side of Lamar Avenue as such improvement is hereinafter described; and

WHEREAS, K.S.A. 12-2908 and K.S.A. 68-169 authorize the Parties hereto to cooperate in making the public improvement; and

WHEREAS, the Governing Bodies of each of the Parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A. 12-2908 and K.S.A. 68-169; and

WHEREAS, the Governing Body of PRAIRIE VILLAGE did approve and authorize its mayor to execute this Agreement by official vote of the Body on the \_\_\_\_\_ day of \_\_\_\_\_, 2019; and

WHEREAS, the City Manager of OVERLAND PARK is authorized to execute this Agreement on behalf of OVERLAND PARK pursuant to Overland Park Municipal Code Section 2.18.070.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The Parties hereto enter into this Agreement for the purpose of constructing the public improvement of 83<sup>rd</sup> Street from the east side of Lamar Avenue to the centerline of Nall Avenue; Lamar Avenue from the centerline of 78<sup>th</sup> Street to the centerline of 83<sup>rd</sup> Street; and 78<sup>th</sup> Street from the centerline of Walmer Street to the west side of Lamar Avenue as heretofore described by performing the following work: applying chip seal to the existing streets named above, along with pavement markings, and other items incidental to the public improvement (hereinafter the "Improvement").
2. ESTIMATED COST OF PROJECT.
  - A. The estimated cost of the Improvement covered by this Agreement, exclusive of the cost of right-of-way or easement acquisition, is ONE HUNDRED NINETEEN THOUSAND NINE

HUNDRED FORTY-THREE AND 82/100 DOLLARS (\$119,943.82).

- B. The cost of making the Improvement shall include:
- (1) Labor and material used in making the Improvement; and
  - (2) Such other expenses which are necessary in making the Improvement, exclusive of the cost of acquiring real property and any improvement thereon for the location of the Improvement. These expenses include but are not limited to design, project administration, construction inspection, material testing and utility relocations.
- C. The cost of making the said Improvement shall be distributed between the Parties as follows:
- (1) PRAIRIE VILLAGE shall pay **50%** of the local share of said Improvement (estimated to be **\$59,971.91**).
  - (2) OVERLAND PARK shall pay **50%** of the local share of said Improvement (estimated to be **\$59,971.91**).
  - (3) Each Party shall acquire and pay all costs associated with the right-of-way or easement acquisition for that portion of the project located within its respective boundary. Additionally, each Party shall pay the cost of financing and/or bonding its share of the project cost.
3. FINANCING. OVERLAND PARK and PRAIRIE VILLAGE shall each pay their portion of the cost with monies budgeted and appropriated funds.
4. OVERLAND PARK ADMINISTRATION OF PROJECT. It is acknowledged and understood between the Parties that since there are two separate entities included within the proposed Improvement, one of the entities should be designated as being “in charge” of the project to provide for its orderly design and construction. However, both entities shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The Improvement shall be constructed and the job administered by OVERLAND PARK acting by and through the OVERLAND PARK Director of Public Works (hereinafter the “PW Director”), who shall be the principal public official designated to administer the Improvement; provided, the PW Director shall, among his several duties and responsibilities, assume and perform the following:
- A. Make all contracts for the Improvement, including soliciting bids by publication in the official newspaper of OVERLAND PARK. In the solicitation of bids, the most favorable bid shall be determined by OVERLAND PARK administering the project and the Governing Body of OVERLAND PARK approving the lowest responsible bidder for the project, except that the Governing Body of PRAIRIE VILLAGE reserves the right to reject the successful bidder in the event that the bid price exceeds the engineer’s estimate. If all bids exceed the estimated cost of the Improvement, then either OVERLAND PARK or PRAIRIE VILLAGE shall have the right to reject the bid. In such case, the project shall rebid at a later date.

- B. Submit to PRAIRIE VILLAGE on or before the 10th day of each month, or as received, estimates of accrued costs of constructing the Improvement for the month immediately preceding the month the statement of costs is received; provided that PRAIRIE VILLAGE shall within thirty (30) days after receipt of a statement of costs as aforesaid, remit their portion of the accrued costs to OVERLAND PARK as herein agreed.
  - C. Upon completion of the Improvement, the PW Director shall submit to PRAIRIE VILLAGE a final accounting of all costs incurred in making the Improvement for the purpose of apportioning the same among the Parties as provided herein.
  - D. PRAIRIE VILLAGE shall be named as additional insured on all applicable certificates of insurance issued by any contractor for this Improvement (the "Contractor(s)").
  - E. OVERLAND PARK shall require performance and completion bonds for the Improvement from all Contractors and require that all Contractors discharge and satisfy any mechanics or materialman's liens that may be filed.
  - F. OVERLAND PARK shall require that any Contractor provide a two-year performance and maintenance bond for the Improvement. As Administrator, OVERLAND PARK will, upon request of PRAIRIE VILLAGE, make any claim upon the maintenance bond or performance bond and require that the Contractor fully perform all obligations under the performance and maintenance bonds, and this obligation shall survive the termination of this Agreement and shall be in force and effect for the full term of the performance and maintenance bond.
  - G. OVERLAND PARK shall include in contracts for construction a requirement that the Contractor defend, indemnify and save OVERLAND PARK and PRAIRIE VILLAGE harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the acts or omissions of the Contractor and the performance of his or her contract.
5. DURATION AND TERMINATION OF AGREEMENT. The Parties hereto agree that except for the obligations of OVERLAND PARK which may arise after completion of the Improvement as set forth in Section 4, Paragraph F, above, this Agreement shall exist until the completion of the aforesaid Improvement, which shall be deemed completed upon certification to each of the Parties hereto by the PW Director advising that the Improvement has been accepted by him as constructed; provided that upon the occurrence of such certification by the PW Director, this Agreement shall be deemed terminated and of no further force or effect.
6. PLACING AGREEMENT IN FORCE. The administering body described in Section 4 hereof shall cause this Agreement to be executed in triplicate. Each Party hereto shall receive a duly executed copy of this Agreement for their official records.

7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.
8. JURISDICTION. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed in triplicate by each of the Parties hereto on the day and year first above written.

CITY OF OVERLAND PARK, KANSAS

By \_\_\_\_\_  
WILLIAM EBEL, JR., CITY MANAGER

ATTEST:

\_\_\_\_\_  
ELIZABETH KELLEY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
TREVOR L. STILES  
SENIOR ASSISTANT CITY ATTORNEY

CITY OF PRAIRIE VILLAGE, KANSAS

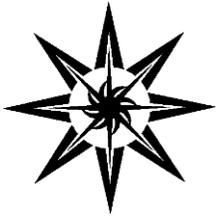
By \_\_\_\_\_  
ERIC MIKKELSON, MAYOR

ATTEST:

\_\_\_\_\_  
ADAM GEFFERT, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID WATERS, CITY ATTORNEY



## POLICE DEPARTMENT

Council Committee Meeting Date: January 21, 2020

**COU2020-04:** Discussion regarding the removal of Breed Specific Language as specified in Ordinance 2-105

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### BACKGROUND

Councilmembers Jori Nelson, Tucker Poling, Ron Nelson, and Chad Herring requested that this item be placed on the agenda for discussion. The following Ordinance (2-105) specifies the breed specific prohibition:

#### 2-105 PIT BULL DOG - KEEPING PROHIBITED

It shall be unlawful to own, harbor, shelter, keep, control, manage, or possess within the corporate limits of the City, any pit bull dog. Pit bull dog for the purposes of this Chapter shall include:

- a) The Staffordshire Bull Terrier breed of dog;
- b) The American Pit Bull Terrier breed of dog;
- c) The American Staffordshire Terrier breed of dog, or
- d) Any dog having the appearance and characteristics of being predominately of the breeds of Staffordshire pit bull terrier, American pit bull terrier, American Staffordshire bull terrier; or a combination of any of these breeds.

(Ord. 1677 Sec. 4, 1988; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### ATTACHMENTS

- *Articles regarding ineffectiveness of Breed Specific Language* - Jori Nelson
- Chapter II - Municipal Code, Animal Control and Regulation
- *Articles in Medical Journals* - Included at the request of Councilmember Myers
- Breed Specific Language PowerPoint Presentation

### PREPARED BY

Prepared By:

Wes Jordan  
City Administrator  
Date: January 16, 2020

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## I. Kansas Municipal Research

### A. List of Kansas City Area Cities With and Without Breed Specific Ordinances

## II. Dog Bite Related Data

### A. American Veterinary Medical Association Statement on 2000 Study

“In contrast to what has been reported in the news media, the data contained within this report **CANNOT be used to infer any breed-specific risk** for dog bite fatalities (e.g., neither pit bull-type dogs nor Rottweilers can be said to be more “dangerous” than any other breed based on the contents of this report). To obtain such risk information it would be necessary to know the numbers of each breed currently residing in the United States. Such information is not available. Data in this report indicate that the number of dogs of a given breed associated with fatal human attacks varies over time, further suggesting that such data should not be used to support the inherent “dangerousness” of any particular breed. More than 25 breeds have been involved in fatal human attacks over the 20-year period summarized in this report.”

### B. Summary of Patronek, et al. Co-Occurrence of Potentially Preventable Factors in 256 Dog Bite Related Fatalities in the United States (2000-2009), 243 J. Am. Veterinary Med. Ass'n (JAVMA) 1726 (December 2013) (National Canine Research Council, NCRC)

“The researchers identified a striking co-occurrence of multiple, controllable factors: no able-bodied person being present to intervene (87.1%); the victim having no familiar relationship with the dog(s) (85.2%); the dog(s) owner failing to neuter/spay the dog(s) (84.4%); a victim’s compromised ability, whether based on age or physical condition, to manage their interactions with the dog(s) (77.4%); the owner keeping dog(s) as resident dog(s), rather than as family pet(s) (76.2%); the owner’s prior mismanagement of the dog(s) (37.5%); and the owner’s abuse or neglect of dog(s) (21.1%). Four or more of these factors were present in 80.5% of cases; breed was not one of those factors.”

### C. Centers for Disease Control: Community Approach to Dog Bite Prevention (JAVMA)

“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.”

### D. Breed-Specific Legislation on the Decline – NCRC

“5 more states no longer allow cities to enact breed specific ordinances and more than seven times as many U.S. Municipalities repealed or rejected proposed BSL, than enacted it between: January 2012 – May 2014.”

## III. Subject Matter Expert Statements List of Professional Organizations Opposed to Breed Specific Legislation

### A. American Veterinary Medical Association Statement

“Any dog can bite, regardless of its breed, and more often people are bitten by dogs they know. It’s not the dog’s breed that determines risk -- it’s the dog’s behavior, general size, number of dogs involved and the vulnerability of the person bitten that determines whether or not a dog or dogs will cause a serious bite injury.”

### B. National Animal Control Association Guidelines

“Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed.”

### C. American Bar Association Resolution

“The Tort Trial and Insurance Practice Section urges all state, territorial, and local legislative bodies and governmental agencies to enact comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both individual dog owner and dogs, and to repeal any breed discriminatory/ specific provisions.”

## IV. Breed Identification

### A. How Long Before We Discard Visual Breed Identification? Summary of Breed Identification Studies (NCRC)

“To date, we are not aware of any survey or controlled study that has returned a result different from that obtained by Dr. Voith and the two surveys conducted by the University of Florida’s College of Veterinary Medicine. Nor do we expect to. These results corroborate the work that Scott and Fuller published almost 50 years ago. They are in turn supported by the reports of geneticists that a remarkably small amount of genetic material exerts a remarkably large effect on the size, shape, etc. of a dog.”

**B. Victoria L. Voith, et al., Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability, 3 Am. J. of Sociological Research 17 (2013)**

“Over 900 participants who engaged in dog related professions and activities participated in the study. For 14 of the dogs, fewer than 50% of the respondents visually identified breeds of dogs that matched DNA identification. Agreement among respondents was also very poor. For only 7 of the 20 dogs was there agreement among more than 50% of the respondents regarding the most predominant breed of a mixed breed and in 3 of these cases the most commonly agreed upon visual identification was not identified by DNA analysis.”

**C. Kimberly L. Olson, *Pit Bull Identification in Animal Shelters*, University of Florida, 2012 A “true pit bull” was confirmed if a dog has 25% genetic makeup of American Staffordshire Terrier or Staffordshire Bull Terrier. Most municipal ordinances require a minimum of a dog to be “predominantly” pit bull or to have a majority of**

physical characteristics to fall under the auspices of a breed specific ordinance. In this study the genetic predominance could be any breed or breeds. Shelter staff identified 55 of the 120 dogs to be “pit bulls,” with results showing only 36% of those dogs actually had 25% American Staffordshire Terrier or Staffordshire Bull Terrier in their genetic ancestry.

**D. Breed Identification Chart Compared to DNA Tests**

**E. "Breed Specific or Looks Specific?"**

“The “science” of inferring cognitive and behavioral traits from physical properties of the head and skull (called phrenology) has been discredited in the last century (20th century). Why we would allow laws based on phrenology to be enacted in the 21st century is a question worth investigating.”

**F. Victoria L. Voith, *Shelter Medicine: A Comparison of Visual and DNA Identification of Breeds of Dogs***

“In 87.5% of the adopted dogs, breeds were identified by DNA analyses that were not proposed by the adoption agencies.”

**V. Additional Information**

**A. Why Breed-specific Legislation is not the Answer (AVMA)**

“There are several reasons why breed-specific bans and restrictions are not a responsible approach to dog bite prevention”

**B. When Doctors Stray Outside of Expertise (NCRC)**

“...the literature on dog bites written by human health care professionals is rife with distortions and errors, and laden with rhetorical devices that mischaracterize dog behavior and grossly overstate the actual risk of dog bite injuries. Human health care professionals writing on this tope create concern disproportionate to the actual risk and unduly heighten mistrust of dogs. Such distortions in turn impede legitimate preventive efforts, and lead public policy astray.”

### Kansas City Metro Area Cities Without BSL

Kansas City, KS	Repealed in 2019
Liberty, MO	Repealed in 2019
Tonganoxie	council unanimously directed staff to prepare the repeal 6/20/2016
Shawnee	council unanimously repealed in April 2016 (making it the 19th city in KS to repeal in the last 8 years)
Baldwin City	unanimously repealed in April 2016
Lansing	repealed first part of 2016
Edgerton	March 2016
Roeland Park	January 2015
Fairway	January 2015
Mission Hills	(has no ban, has regulations March 2015)
Spring Hill	November 2014
Bonner Springs	January 2014
Basehor	November 2013
Edwardsville	repealed in 2009
Grandview	repealed in 2014
Olathe	
Lenexa	
KCMO	
Lee's Summit	
Blue Springs	
Leavenworth	
Raytown	
Gladstone	
Gardner	
Merriam	
Mission	
Parkville	
Osawatomie	
Riverside	
Edgerton	
Lawrence	
Topeka	

### Kansas City Metro Area Cities That Have BSL

Prairie Village	
Overland Park	
Leawood	has BSL, but can register certain breeds as dangerous dogs
Independence	
Excelsior Springs	
DeSoto	
Platte City	



1931 N. Meacham Rd.  
Suite 100  
Schaumburg, IL  
60173-4360  
phone 847.925.8070  
800.248.2862  
fax 847.925.1329  
[www.avma.org](http://www.avma.org)

To Whom It May Concern:

Attached, as requested, please find a copy of the report titled “Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998” and published in the September 15, 2000 issue of the *Journal of the American Veterinary Medical Association*.

In your review of this report, please be cognizant of the following:

- This study was NOT conducted by the American Veterinary Medical Association, but by individual investigators from the Centers for Disease Control and Prevention, the Humane Society of the United States, and the American Veterinary Medical Association. The report underwent the standard review process required for publication of scientific reports published in the *Journal of the AVMA*.
- In contrast to what has been reported in the news media, the data contained within this report **CANNOT be used to infer any breed-specific risk** for dog bite fatalities (e.g., neither pit bull-type dogs nor Rottweilers can be said to be more “dangerous” than any other breed based on the contents of this report). To obtain such risk information it would be necessary to know the numbers of each breed currently residing in the United States. Such information is not available.
- Data in this report indicate that the number of dogs of a given breed associated with fatal human attacks varies over time, further suggesting that such data should not be used to support the inherent “dangerousness” of any particular breed. More than 25 breeds have been involved in fatal human attacks over the 20-year period summarized in this report.
- 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.
- Strategies that can be used in an effort to prevent dog bites include enforcement of generic, non-breed-specific dangerous dog laws, with an emphasis on chronically irresponsible owners; enforcement of animal control ordinances such as leash laws; prohibition of dog fighting; encouraging neutering; and school-based and adult education programs that teach pet selection strategies, pet care and responsibility, and bite prevention.

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# POTENTIALLY PREVENTABLE HUSBANDRY FACTORS CO-OCCUR IN MOST DOG BITE-RELATED FATALITIES

## A COMPREHENSIVE STUDY USING A NEW APPROACH

In December, 2013, *The Journal of the American Veterinary Medical Association (JAVMA)* published the most comprehensive multifactorial study of dog bite-related fatalities (DBRFs) to be completed since the subject was first studied in the 1970's.<sup>1</sup> It is based on investigative techniques not previously employed in dog bite or DBRF studies and identified a significant co-occurrence of multiple potentially preventable factors.

“This new study and its methodology offer an excellent opportunity for ... anyone concerned with the prevention of dog bite-related injuries, to develop an understanding of the multifactorial nature of both serious and fatal incidents.”

Experts have for decades recommended a range of ownership and husbandry practices to reduce the number of dog bite injuries.<sup>2</sup> This new *JAVMA* paper confirms the multifaceted approach to dog bite prevention recommended by previous studies, as well as by organizations such as the Centers for Disease Control and Prevention<sup>3</sup> and the American Veterinary Medical Association<sup>4</sup>.

The five authors, two of whom are on the staff of the National Canine Research Council (NCRC),<sup>5</sup> and one of whom (Dr. Jeffrey Sacks) was lead author on earlier studies of DBRFs, analyzed all the DBRFs known to have occurred during the ten-year period 2000 - 2009. Rather than rely predominantly on information contained in news accounts, as had previous studies of DBRFs, detailed case histories were compiled using reports by homicide detectives and animal control agencies, and interviews with investigators.

The case histories were compiled over a sufficiently long period of time - months or years, depending on the individual case -- for the entire range of available facts

surrounding an incident to come to light. The researchers found that their more extensive sources usually provided first-hand information not reported in the media, and often identified errors of fact that had been reported in the media.

## **POTENTIALLY PREVENTABLE FACTORS**

The researchers identified a striking co-occurrence of multiple, controllable factors: no able-bodied person being present to intervene (87.1%); the victim having no familiar relationship with the dog(s) (85.2%); the dog(s) owner failing to neuter/spay the dog(s)(84.4%); a victim's compromised ability, whether based on age or physical condition, to manage their interactions with the dog(s) (77.4%); the owner keeping dog(s) as resident dog(s), rather than as family pet(s) (76.2%); the owner's prior mismanagement of the dog(s) (37.5%); and the owner's abuse or neglect of dog(s) (21.1%). Four or more of these factors were present in 80.5% of cases; breed was not one of those factors.

The distinction between a resident dog and a family dog was first proposed years ago by NCRC Founder Karen Delise.<sup>6</sup> 76.2% of the DBRFs in this study involved dogs that were not kept as family pets; rather they were only resident on the property. Dogs are predisposed to form attachments with people, to become dependent on people, and to rely upon their guidance in unfamiliar situations. While it is extremely rare that dogs living as either resident dogs or as family pets ever inflict serious injuries on humans, dogs not afforded the opportunity for regular, positive interaction with people may be more likely, in situations they perceive as stressful or threatening, to behave in ways primarily to protect themselves.

## **THE STUDY'S FINDINGS ON BREED**

The authors of the new JAVMA paper reported that the breed(s) of the dog or dogs could not be reliably identified in more than 80% of cases. News accounts disagreed with each other and/or with animal control reports in a significant number of incidents, casting doubt on the reliability of breed attributions and more generally for using media reports as a primary source of data for scientific studies. In only 45 (18%) of the cases in this study could these researchers make a valid determination that the animal was a member of a distinct, recognized breed. Twenty different breeds, along with two known mixes, were identified in connection with those 45 incidents.

The most widely publicized previous DBRF study<sup>7</sup> which was based primarily on media reports, qualified the breed identifications obtained in their dataset, pointing out that the identification of a dog's breed may be subjective, and that even experts can disagree as to the breed(s) of a dog whose parentage they do not know. It has been known for decades that the cross-bred offspring of purebred dogs of different breeds often bear little or no resemblance to either their sires or dams.<sup>8</sup> The previous DBRF study also did not conclude that one kind of dog was more likely to injure a human being than another kind of dog.

Lack of reliable breed identifications is consistent with the findings of Dr. Victoria Voith of Western University<sup>9,10</sup> and of the Maddie's Shelter Medicine Program at the University of Florida's College of Veterinary Medicine.<sup>11,12</sup> Both Dr. Voith and the Maddie's Shelter Medicine Program conducted surveys<sup>13</sup> showing that opinions ventured by those working in animal-related fields regarding the breed or breeds in a dog of unknown parentage agreed with breed as detected by DNA analysis less than one-third of the time.<sup>14</sup> Participants in the surveys conducted at both universities frequently disagreed with each other when attempting to identify the breed(s) in the same dog.

90% of the dogs described in the new DBRF study's case files were characterized in at least one media report with a single breed descriptor, potentially implying that the dog was a purebred dog. A distribution heavily weighted toward pure breed is in stark contrast to the findings of population-based studies indicating that ~46% of the dogs in the U.S. are mixed breed.<sup>15</sup> Thus, either the designation of breed in the media reports for the cases under examination was done very loosely, and without regard to possible mixed breed status, or purebred dogs were heavily over-represented. The latter conclusion did not seem likely to these authors, particularly in light of the photographic evidence they were able to obtain. Finally, the news accounts erroneously reported the number of dogs involved in at least 6% of deaths.

The earlier, widely publicized study of DBRFs has been misunderstood, and misused to justify single-factor policy proposals such as breed-specific legislation (BSL), though the authors of that study did not endorse such policies. Failure to produce a reduction in dog bite-related injuries in jurisdictions where it has been imposed<sup>16,17</sup> has caused the support for BSL to fade in recent years. From January 2012 to May 2013, more than three times as many jurisdictions either repealed BSL or considered and rejected it as enacted it. The House of Delegates of the American Bar Association has passed a resolution urging all state, territorial and local legislative bodies and governmental agencies to repeal any breed discriminatory or breed specific provisions.<sup>18</sup> In August 2013, the White House, citing the views of the Centers for Disease Control and Prevention, published a statement with the headline, "Breed-specific legislation is a bad idea."<sup>19</sup> BSL is also opposed by major national organizations, including the American Veterinary Medical Association, the National Animal Control Association, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, and Best Friends Animal Society.

## **UNDERSTANDING AND ADDRESSING HUSBANDRY FACTORS WILL LEAD TO BETTER PREVENTION**

The trend in prevention of dog bites continues to shift in favor of multifactorial approaches focusing on improved ownership and husbandry practices, better understanding of dog behavior, education of parents and children regarding safety around dogs, and consistent

enforcement of dangerous dog/reckless owner ordinances in communities. The findings reported in this study support this trend. The authors conclude that the potentially preventable factors co-occurring in more than 80% of the DBRFs in their ten-year case file are best addressed by multifactorial public and private strategies.

Further, they recommend their coding method to improve the quantity and quality of information compiled in future investigations of any dog bite-related injuries, not just DBRFs. This new study and its methodology offer an excellent opportunity for policy makers, physicians, journalists, indeed, anyone concerned with the prevention of dog bite-related injuries, to develop an understanding of the multifactorial nature of both serious and fatal incidents.

*December 2013*

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- <sup>5</sup> Karen Delise is the Founder and Director of Research. Donald Cleary is Director of Communications and Publications, as well as Treasurer of Animal Farm Foundation, parent organization of NCRC.
- <sup>6</sup> Resident dogs are dogs, whether confined within a dwelling or otherwise, whose owners maintain them in ways that isolate them from regular, positive human interactions. Family dogs are dogs whose owners keep them in or near the home and also integrate them into the family unit, so that the dogs learn appropriate behavior through interaction with humans on a regular basis in positive and humane ways. See [Resident Dog vs Family Dog: What is the difference?](#)
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- <sup>13</sup> NCRC contributed funding to one of the surveys conducted by Western University and one conducted by the University of Florida's College of Veterinary Medicine.
- <sup>14</sup> DNA analysis of mixed breed dogs is not 100% accurate, nor do the companies offering such tests claim that it is. The accuracy of identification of breed of F1 crosses (offspring of 2 different registered purebreds) is currently reported to be 90%. See: Wisdom Panel™ FAQ's. How accurate is Wisdom Panel™ Professional? Retrieved from: <http://www.wisdompanelpro.com/faq.html>
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# A community approach to dog bite prevention

## American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions

### MEMBERS OF THE TASK FORCE

**Bonnie V. Beaver, DVM, MS, DACVB (Chair)**, Department of Small Animal Medicine and Surgery, Texas A&M University, College Station, TX 77843-4474, representing the AVMA Executive Board.

**M. Douglas Baker, MD, FAAP**, Pediatric Emergency Department, Room WP143, Yale-New Haven Children's Hospital, 20 York St, New Haven, CT 06504, representing the American Academy of Pediatrics.

**Robert C. Gloster, MD, FACEP**, Swedish Hospital Medical Center, PO Box 14999, Seattle, WA 98114, representing the American College of Emergency Physicians.

**William A. Grant, DVM**, Community Veterinary Hospital, 13200 Euclid St, Garden Grove, CA 92843, representing the Professional Liability Insurance Trust.

**James M. Harris, DVM**, Montclair Veterinary Clinic and Hospital, 1961 Mountain Blvd, Oakland, CA 94611, representing the AVMA Committee on the Human-Animal Bond.

**Benjamin L. Hart, DVM, PhD, DACVB**, Department of Anatomy, Physiology, and Cell Biology, School of Veterinary Medicine, University of California, Davis, CA 95616, representing the American College of Veterinary Behaviorists.

**Danny H. Hattaway, BS**, Underwriting Consultant, State Farm Insurance, 1 State Farm Plaza, D-1, Bloomington, IL 61701, representing the insurance industry.

**Thomas Houston, MD**, Director, Science and Public Health Advocacy Programs, American Medical Association, 515 N State St, Chicago, IL 60610, representing the American Medical Association.

**James R. Koschmann, DVM, MS**, Crossroads Animal Hospital, 4910 Crossroads Dr, El Paso, TX 79922, representing the AVMA Animal Welfare Committee.

**Randall Lockwood, PhD**, Vice President/Research and Educational Outreach, Humane Society of the United States, 2100 L St NW, Washington, DC 20037, representing humane organizations.

**Don Rieck, BS**, Chief Animal Control Officer, Health Department, City of Sioux Falls, 132 North Dakota Ave, Sioux Falls, SD 57104, representing the National Animal Control Association.

**Jeffrey J. Sacks, MD, MPH**, Medical Epidemiologist, Centers for Disease Control and Prevention, 4770 Buford Hwy, NE (Mailstop K-45), Atlanta, GA 30341, representing the Centers for Disease Control and Prevention.

**William S. Strauss, JD**, 235A Windsor Pl, Brooklyn, NY 11215, representing the legal profession.

**Jan Strother, DVM**, 809 Hwy 36 E, Hartselle, AL 35640, representing the AVMA Council on Public Relations.

### STAFF SUPPORT

**Gail C. Golab, PhD, DVM**, Division of Education and Research, American Veterinary Medical Association, 1931 N Meacham Rd, Ste 100, Schaumburg, IL 60173, staff consultant.

**Julie Horvath, BS**, Division of Education and Research, American Veterinary Medical Association, 1931 N Meacham Rd, Ste 100, Schaumburg, IL 60173, staff assistant.

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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 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 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.<sup>4</sup>

### Scope of the problem

Dogs have shared their lives with humans for more than 12,000 years,<sup>1</sup> 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,<sup>2,3</sup> more dogs per capita than in any other country in the world.<sup>1</sup> 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,<sup>4,5</sup> although the actual number injured is unknown.<sup>6</sup> 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.<sup>6</sup> 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 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.<sup>6-8</sup> People more than 70 years old comprise 10% of those bitten and 20% of those killed.<sup>9,10</sup>

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.<sup>11</sup> Hospital expenses for dog bite-related emergency visits are estimated at \$102.4 million.<sup>6</sup> 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."<sup>12,13</sup> Although this is a common concern, singling out 1 or 2 breeds for control can

result in a false sense of accomplishment.<sup>14</sup> 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.<sup>7</sup> 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.<sup>7</sup> 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 this program.

Sex differences do emerge from data on various types of aggression. Intact (unneutered) male dogs represented 80% of dogs presented to veterinary behaviorists for dominance aggression, the most commonly diagnosed type of aggression.<sup>1</sup> Intact males are also involved in 70 to 76% of reported dog bite incidents.<sup>7,15</sup> 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, that are surrendered to animal shelters where many are destroyed, or that are turned loose under the misconception that they can successfully fend for themselves.<sup>16</sup>

### 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.

### **This program**

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%.<sup>b</sup> Members of the Task Force represented a broad range of disciplines and designed the program presented here. It was recognized that the 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.

### Multidisciplinary and Multiprofessional Groups

It is unlikely that a dog bite prevention program will begin in a complete vacuum. Typically, some formal program is already in place under the auspices of animal control, the health department, or local law enforcement. Efforts may also be under way by other groups such as educators or dog breeders. It makes sense to identify related activities to determine what needs are not being met, find likely sources of support or resistance, and avoid duplication of effort and potential turf battles (**Appendix 1**).<sup>c</sup>

### **Identify dog bite issues in the community**

Each community has a unique set of dog bite-related problems and its own approaches to confronting them. A central task is to identify these particular issues. The project begins by assessing the political landscape regarding dog bites and dog bite prevention. Before launching a program, it is useful to pinpoint the degree of current and potential support among corporate and community leaders as well as legislators and senior staff in the dog bite prevention program's sponsoring agency.

**Recognize hot buttons**—Crafting a program is easier if the objectives mesh with a highly visible community issue. For example, there may be public outcry about dog waste or a publicized dog attack. Such a situation may provide impetus for a campaign to support licensing and leash laws or ordinances pertaining to reporting dog bites. When community groups and the media have already invested in finding a solution to the dog bite problem, program organizers can dovetail their efforts and work collaboratively with these groups.

**Community interest**—Knowing the degree of support that exists for a prevention program is important.

The prior existence of a program suggests support, but this may not always be the case. The active support of a commissioner or health department head (local or state) is critical, because without his/her backing, a fledgling dog bite prevention program is vulnerable to shifting funding initiatives and political pressure. Public officials are influenced by vocal well-organized constituencies, so it is important to know what dog bite-related agendas are getting politicians' attention. It also helps to know whether any legislators have a strong interest in the dog bite issue.

**Dogs in the news**—News accounts can provide clues as to how dog-related issues have played out over time. Compare these accounts with available statistical data and scientific assessments for reliability.

### **Identify potential partners, allies, support, and funding sources**

Determine which organizations in the community are likely to support program efforts or resist them. Some individuals and organizations will emerge as natural allies; some old hands will be glad to work with a new partner in the dog bite prevention field, and some will actively welcome a new focal point for dog bite prevention activity. Learning about various entities and their interest and involvement in dog bite control can help answer questions in the following areas.

**Community resources**—Organizations, agencies, businesses, and individuals offering training, assistance, consulting, library or computer search capabilities, in-kind contributions, volunteer help, or supplemental funding must be identified.

**Currently available data**—Before launching a major effort to collect dog bite data, it is wise to determine whether an assessment has already been done. Ask about reports related to injuries and costs from dog bites, surveys that include dog bite or dog ownership information, opinion surveys or other studies describing community perceptions about the need for dog bite prevention, and similar information. If possible, find out what happened to existing assessments and related recommendations. Knowing the history of previous evaluation and prevention efforts will help in development of a new program. If an assessment has been done, determine whether methods and conclusions are sound.

**Legislation**—It is important to know what interventions (eg, leash laws, "dangerous" dog ordinances) have been previously introduced and their history of success. Individuals involved in these efforts may be valuable allies in new programs. In addition, current ordinances should be evaluated to determine whether enforcement or revision could increase their effectiveness.

**Barriers**—Ownership of particular dog bite issues and potential turf battles should be confronted realistically. In addition, it must be acknowledged that a dog bite prevention program may attract opposition from groups on philosophical grounds (eg, groups that strongly support personal freedom argue that the gov-

ernment should not mandate licensing of dogs). Clubs for specific breeds may not be supportive if they fear their breed will be singled out in a negative way. Barriers can be overcome by a fresh approach to old problems or by agreeing to carve out areas of responsibility among interested groups. Typically, there are many more problems than there are organizations to tackle them, so it makes sense to avoid attacking similar issues.

### **Develop an advisory council**

Obtaining community input can be as sophisticated as conducting public opinion surveys or holding focus groups to learn about what the community sees as pressing dog bite issues. More likely, there will be limited funds at the outset of the program, so more informal but also potentially valuable approaches may be required. These include meetings with potential partners and interested groups to learn about their constituencies' concerns. This type of informal interview can be a great help in uncovering key dog-related issues as perceived by the community. Talking with people in neighborhoods most affected by dog bite problems is important. For example, if there is a problem with dog bites in low-income neighborhoods, obtaining the views of people living there can help identify the nature of the problem and potential solutions.

An advisory council or task force that represents a wide spectrum of community concerns and perspectives creates a source of support for program initiatives. Advisory groups provide guidance for a dog bite prevention program and may focus on specific high-priority dog bite issues. Although organizing and maintaining an advisory council is labor-intensive, it can substantially benefit the program. Members may be able to provide access to useful information that is not otherwise easy for the coordinator to obtain. Members can also identify ways in which the program can work with appropriate voluntary organizations and associations. People with experience in dog bite control can offer perspective about the program and help identify potential pitfalls as well as successful strategies. Participation by members representing community organizations builds a sense of ownership in the dog bite prevention program.

Logistics in starting an advisory council include identifying organizations and individuals that should participate (Appendix 1), determining the size of the council, establishing a structure and operating procedures for the council and its regular meetings, assigning staff support, determining the relationship between the staff and the council, and reaching an agreement about key tasks. When community members and government officials work together to support the creation and development of a local task force, it enhances the group's visibility and impact.

To foster an involved and active advisory council, professionals agree that several criteria must be met. The number of participants should be kept manageable; 10 to 12 is a size that works well. If it is necessary to have more members for political reasons, breaking the group into smaller committees or working groups

will improve the dynamics. For example, groups could coalesce around data issues, legislation and policy, and so on. Involving participants from the start in meaningful tasks will underscore that this is a productive group. In addition, people are more likely to support a program they participated in creating, because they have a sense of ownership.

Because each community's needs and priorities differ, the advisory council's major tasks will vary. The advisory council or one of its working groups may consider the following activities:

- ? coordinating efforts among participating organizations
- ? developing an action plan
- ? establishing dog bite prevention priorities
- ? generating public and legislative support for dog bite control
- ? identifying dog bite reporting sources
- ? interpreting data
- ? identifying and obtaining resources for program activities (educational, financial, staffing)
- ? providing technical expertise for the program
- ? recommending goals and objectives for prevention

It is recommended that the program be overseen by a paid coordinator. The program coordinator and other staff involved can contribute to the advisory council's success by good meeting planning and preparation, regular communication with members, working with the advisory council chairperson to set the agenda, and helping to solve problems that threaten to derail the process. As with any volunteer effort, a dog bite prevention advisory council is likely to thrive if the coordinator nurtures its members with regular expressions of appreciation.

### **Infrastructure**

A coordinated effort is essential for success in any venture, and each individual or organization involved must have a clear sense of their/its responsibilities. Reducing the incidence of dog bites requires the cooperation of many groups, including animal control agencies, the human and veterinary medical communities, educators, departments of health, and the local licensing authority. Open and consistent communication is an integral part of an effective program, and one entity should be designated as the coordinating agency. A logical coordinating agency would be the health department or animal control. In addition, it is imperative that an appropriate agency be granted authority to conduct investigations and make recommendations.

### **Program coordinator**

As previously mentioned, dog bite prevention efforts should be assisted by a paid staff person. Because the diversity of input is so great, it is recommended that the office of the advisory council's program coordinator be located within the municipality's coordinating agency. Individuals, agencies, or organizations that come into contact with or are aware of a "dangerous" dog or risky situation should provide this information to the coordinator. The coordinator should then relay all information to the proper recipients.

### 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<sup>17</sup> 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**).<sup>18</sup> 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 is, 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.<sup>19</sup>

**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.<sup>7</sup> 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 rigors 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-

nance 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. Breed-specific ordinances, however, raise constitutional questions concerning dog owners' fourteenth amendment rights of due process and equal protection.<sup>20</sup> When a specific breed of dog is selected for control, 2 constitutional questions are raised: 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**).

**Postbite rabies quarantine programs—**A healthy dog that is 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 quarantine 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 of 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 examinations 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 euthanized and samples submitted for rabies testing.

Records of all bites must be kept, including information specifically identifying the dog and owner. These should be crosschecked 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 (**Appendix 4**). Any such definition 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.

## Bite Data Reporting

Accurate and complete reporting of dog bites is an essential element of a bite prevention program. These reports are vital not only for case management and judicial review but for planning, implementing, and evaluating the status of the problem. Major goals of comprehensive dog bite data reporting include:

- ? accurately defining victim demographics to identify populations at greatest risk for bites and allow targeting of educational efforts
- ? defining dog and owner characteristics associated with higher risk so that an actuarial approach to the dog bite problem is possible (this facilitates effective program planning and proper targeting of control measures)
- ? defining high risk geographic areas at city, county, or neighborhood levels so that limited resources for animal control and public education can be appropriately deployed
- ? establishing baseline data so that the impact of specific elements of the bite prevention program can be assessed
- ? providing an accurate, detailed, unbiased, objective source of information for decision makers, media, and the public interested in the dog bite problem and its prevention
- ? providing critical information for proper management of dog bite cases

### What should be reported?

At a minimum, a dog bite case should be defined as any medically-attended dog bite or any dog bite resulting in a report to an animal control or law enforcement agency. This would presumably cover those instances consuming public resources and would also include cases that may result in litigation.

A number of data elements should be captured on a report form such that it is comprehensive in scope without placing unnecessary burdens on reporting agencies (Appendix 3). Fatal and severe dog attacks on humans have been associated with prior or concurrent attacks on pets or livestock, so it is important that communities also track those incidents. Maintaining records of incidents of menacing behaviors of owned dogs running at large in the community may be found useful in later legal actions.

### Who should report?

The goal is to report any medically treated dog bite or any bite resulting in a report to, or response from, an animal control agency, humane society with animal control responsibilities, or law enforcement agency. Therefore, the primary sources of data should be:

- ? animal control or law enforcement agencies responding to a dog bite complaint
- ? health professionals attending to a bite injury (hospital emergency staff, urgent care facility staff, private physicians, school or camp medical staff, medical staff of other entities such as military bases or reservations, and veterinarians)

Recognizing that many dog bites go unreported, a comprehensive program to assess dog bite incidence

should consider possible secondary sources of data. These may include:

- ? anonymous surveys of high-risk populations (eg, school-age children) that may clarify the true extent of risk in a community
- ? anonymous surveys of the public (eg, phone surveys) that can help document the extent of bite injuries and provide a basis for estimating the ratio of unreported to reported bites
- ? reports from professionals including veterinarians, animal behaviorists, dog trainers, groomers, and kennel operators who are informed of a bite incident (mandating that any or all of these professions report bites may be unrealistic given the potential legal consequences of identifying an animal as a biter)

Reporting mandates are often inconsistent between jurisdictions or are poorly enforced. Current local and state reporting regulations should be reviewed, as should directives from health or veterinary officials. If current provisions are adequate, it may be necessary to implement procedures to reeducate professionals concerning their reporting obligations and periodically remind them of these obligations. When a failure to report is uncovered, it may be an opportunity to gain the attention of the professional, because sanctions may be imposed.

### Who should receive reports?

Reporting should be coordinated by one agency. Logical agencies to coordinate reports include animal control or the public health department. The coordinating agency, perhaps through the dog bite prevention program coordinator, must assume responsibility for maintaining all information and disseminating that information to other appropriate individuals or agencies (eg, veterinarians, physicians, the dog owner, and those involved in follow-up educational efforts).

To insure consistency and compliance, regulations or procedures should unambiguously state to whom reports should be submitted and within what time frame the reports should be submitted.

### Data management, analysis, interpretation, and dissemination

Because multiple sources may report the same case, procedures should be in place to permit combination of data from multiple sources into a single report. Avenues should be developed for electronic submission of reports to assist in rapid response, to streamline reporting to higher levels of government, and to facilitate data analysis. Whereas disposition of individual incidents is the first goal for reporting, there is much to be learned from looking at the overall picture. Keeping information in an electronic database simplifies the latter.

Data should be reviewed at regular intervals (no less than yearly) to determine whether the incidence and severity of dog bites is getting better, worse, or staying the same. Basic analysis consists of studying the characteristics of incidents, including:

- ? time—yearly trends, peak months, day of week, time of day. This can help with scheduling animal

control services as well as dispatch and response planning.

- ? place—locating every incident on a map with a pin. Are there hot spots? This can help target high risk areas for future control.
- ? person—victims and animal owners: age, sex, race, size. Can they be targeted for education?
- ? dog—proportion of offenders by sex and breed, proportion running at large, proportion neutered, proportion with prior reported problems, history of rabies vaccinations, licensing history. Have these proportions changed over time?

Successful evaluation and resolution of a community problem and accurate assimilation, evaluation, and use of quality data requires interactive assessment, feedback, and information exchange. City, county, and state public health practitioners, epidemiologists, and representatives of public health organizations (eg, the National Association of State Public Health Veterinarians, the Council of State and Territorial Epidemiologists, the Association of State and Territorial Health Officers, and the National Association of County and City Health Officials) can provide communities with considerable expertise in the acquisition and interpretation of dog bite data. Their participation should be encouraged.

#### Education

Education is key to reducing dog bites within a community. The list of those to be educated and those who may educate includes everyone who regularly comes into contact with dog owners and potential victims (eg, veterinarians, veterinary technicians and assistants, animal control officers, animal behaviorists, dog trainers, humane society personnel, physicians, school nurses, public health officials, teachers, and parents).

The purposes of this section are to educate city officials and community leaders about the role of various professionals in an educational program to reduce dog bites, provide starting references to ensure a core of knowledge for those professionals (**Appendix 5**), and assist in identification of the educational needs of various constituencies within a community.

#### Public officials and community leaders

Public officials and community leaders are the people to whom residents look for assistance with social problems. Their influence is important and well recognized. If a community dog bite prevention program is to gain public acceptance and be effective, community leaders must be well-informed about dog-related issues within their community and in general.

#### Professionals

Professionals from many backgrounds need to be involved in bite prevention programs. Their expertise is essential to making realistic decisions about what should and can be done to prevent or follow up on dog bite incidents and in recognizing what is normal or abnormal behavior for a dog. Several of these professionals will likely be members of the advisory commit-

tee, but all should be encouraged to be a part of a community's efforts to decrease the impact of a dog bite problem.

Many professions mentioned in this document are science-based. This means their members are used to making decisions on the basis of peer-reviewed data-supported information rather than gut feelings. This approach to decision making results in improved outcomes. Because the dog bite problem impacts so many different groups, networking between community leaders and professionals is important. The following sections describe ways that various professionals and community leaders can work together toward a common goal.

**Veterinarians**—Veterinarians are scientists trained for a minimum of 7 to 8 years and then licensed to diagnose and treat animal problems both medical and behavioral. Although most people think of veterinarians as performing animal vaccinations and surgical neutering, the practice of veterinary medicine includes all subdisciplines typically associated with human medicine. The study of animal behavior both normal and abnormal has become more important within the profession as animals have become more important to their owners. Dogs are now four-legged members of the family, rather than farm animals that help bring cows into the barn at milking time. With this change in the dog's role have come unrealistic owner expectations about what constitutes normal behavior for a dog. Veterinarians can educate dog owners as to what behavior is normal, can help dog owners teach their dogs to respond appropriately in various environments and provide referrals to reputable dog trainers, and can assist owners with behavioral problems, including those that have a medical basis or are responsive to medication.

Until recently, animal behavior was not often taught in veterinary curricula. Many veterinarians have had to acquire their knowledge of normal and abnormal canine behavior from continuing education programs and professional textbooks. For this reason, different veterinarians have different degrees of knowledge about behavior. All veterinarians, however, have access to board-certified veterinary behaviorists for help with behavioral problems beyond their expertise.

Although the time, physical, and emotional demands of veterinary practice can be overwhelming and leave limited time to devote to a formal community prevention program, veterinarians can substantially impact prevention efforts through their professional contact with prospective and current dog owners. This contact should begin before the pet is acquired. Providing unbiased information on pet selection can help prevent inappropriate owner-dog pairings. Prospective dog owners often make spur-of-the-moment selections that are based on warm-and-fuzzy feelings and unrealistic expectations. Encouraging prospective dog owners to seek information from their veterinarian about the characteristics and needs of various types of pets and encouraging future dog owners to ask for guarantees from puppy providers can minimize future problems. When owners take their newly

acquired dogs to their veterinarian for an initial examination and immunizations, the veterinarian has a second opportunity to provide these owners with good medical, nutritional, and behavioral advice.<sup>21</sup> Finally, veterinarians can educate owners during their dogs' routine examinations (asking appropriate questions can reveal problems an owner may not have recognized) or when their dogs are evaluated for specific problems.

**Board-certified veterinary behaviorists—The American College of Veterinary Behaviorists (ACVB),** an American Veterinary Medical Association-recognized veterinary specialty organization, certifies graduate veterinarians in the specialty of veterinary behavior. To become certified, a veterinarian must have extensive postgraduate training, sufficient experience, and pass a credential review and examination set by the ACVB. Diplomates of this organization work with problem animals by referral from the animal's regular veterinarian, consult with practitioners on cases, and give continuing education seminars on animal behavior. Although many communities may not have the benefit of a resident board-certified veterinary behaviorist, veterinarians have access to and may consult with their specialist colleagues when necessary.

**Veterinary technicians—**Veterinary technicians are integral members of the veterinary health care team who have been educated in the care and handling of animals, basic principles of normal and abnormal life processes, and routine laboratory and clinical procedures. They perform many of the same tasks for veterinarians that nurses and others perform for physicians. Veterinary technicians are often frontline people when it comes to educating pet owners, particularly in general veterinary practices; they greet clients and answer initial inquiries, clarify instructions, provide clients with appropriate print, audio, and video educational material, and answer questions. Certainly, they are an important part of the educational team when it comes to dog bite prevention.

Like veterinarians, veterinary technicians have several opportunities to educate clients. Veterinarians may be consulted prior to owners acquiring a new pet, and veterinary technicians can help provide information on appropriate pet selection. Veterinary technicians regularly counsel owners during new puppy appointments, and this is a particularly good opportunity to provide owners with information on bite prevention, including the importance of socialization and training. Routine physical examinations are times when veterinary technicians can reinforce the importance of these early lessons and training, and they can help veterinarians identify potential aggression problems through observation and dialog with owners. Veterinary technicians can also be tapped to educate nonpet-owning children and adults through school or other programs.

Veterinary technology programs do not always offer curricula in animal behavior and, consequently, many technicians do not have formal training in this area when they enter practice. Continuing education that includes basic principles of animal behavior is

essential for veterinary technicians, just as it is for their employers. Maintaining a clinic reference library of appropriate print, audio, and video material for reinforcement and enrichment and for client education is useful.

Behavioral education for veterinary technicians relative to dog bite prevention should include recognition of classic canine behavioral displays and an understanding of the basic types of canine aggression and their prevention. The aim is to assist technicians in conveying dog bite prevention information to owners. Veterinary technicians must not be placed in the role of diagnosing or treating canine aggression.

**Animal behaviorists—**There are a number of scientists with PhD degrees in academic fields related to animal behavior who can serve as valuable resources for communities attempting to reduce dog bite injuries. Because of their science-based backgrounds, they can be particularly helpful in setting up protocols to determine the extent of the problem within a community and whether ongoing programs are having a substantial impact.

As a note of caution, the terms animal behaviorist or animal psychologist are often used by individuals who do not have strong scientific backgrounds but who want to work with problem dogs. There is no method to evaluate the competence of these individuals, and they may be more harmful than helpful to a community's efforts.

**Dog trainers—**This is a diverse group of individuals with no uniformly recognized credentialing body or measures of competence. Although there are many good dog trainers, there are also trainers that use inappropriate methods of behavioral modification that can negatively affect a dog's behavior, making the dog more dangerous to the owner and the community. It is important that communities make a concerted effort to work with responsible trainers who interact closely with veterinarians and PhD-degreed animal behaviorists. A qualified responsible dog trainer can be a valuable asset to a community advisory group.

Obedience training by itself does not prevent the development of behavior problems,<sup>22</sup> and animals that are sent to a training facility may not learn how to obey their owners, because the owners do not learn how to give commands. For problem animals, training is only part of the solution.

**Physicians and nurses—**With a dog residing in 1 of every 3 US homes and approximately 53 million dogs in the United States,<sup>2,3,6</sup> exposure of the physician or nurse, their family members, or their patients to dogs during the course of daily life is inevitable. Dogs have become important members of many families, and the presence of a pet in the home can affect an individual's own decisions about care. Most physicians are familiar with at least 1 example of a person refusing hospitalization, because there was no one else in the home to care for their pet.

Because 334,000 Americans are seen in emergency departments for dog bite injuries each year, 466,000 are seen in other medical practice settings, and 6,000

are hospitalized,<sup>6</sup> it behooves human healthcare providers to acquaint themselves with community and personal strategies to prevent dog bites. Furthermore, just as occurrences of infectious diseases such as measles are reported to enable investigation of outbreaks and development of control measures to protect the public, dog bites must be reported so that cause and prevention can be addressed. Communities differ in their requirements for reporting, and practitioners must understand what is required in their area.

Traditionally, when confronted with patients seeking care for dog bites, physicians and nurses have confined their roles to providing medical treatment. With the expanding roles of physicians and nurses, however, disease prevention has become an important issue. In addition to competently treating dog bites and their complications, healthcare providers need to be aware of critical roles they can play in reducing dog bite injuries.

Advising patients about safe behaviors appears effective in preventing injury.<sup>23-26</sup> Teaching children, parents, and patients who own dogs about proper behavior around dogs and responsible dog ownership is advisable given the frequency of human-canine contact in our society. Physicians can recommend contacting a veterinarian for pet selection information and advice if an individual or family is considering dog ownership, and for information about canine behavior and obedience training if a dog is already part of the family. Pediatricians provide age-appropriate injury prevention counseling during wellness visits.<sup>26</sup> Dog bite prevention should be a part of this counseling. Dog safety tips can also be included in packets of materials routinely sent home with new mothers.

When a patient is being treated for a bite, an opportunity exists to prevent future injury by teaching bite-avoidance strategies. Probing into the circumstances of the current bite may reveal which strategies should be emphasized. Taking advantage of teachable moments should be considered part of curative care. Consulting with a veterinarian may help human health care providers identify subjects they can address during postbite sessions.

As witnesses to the health-related outcomes of dog bites, physicians and nurses are particularly credible sources of information and can be effective spokespersons. Pediatricians and nurses should be full partners in community efforts to reduce dog bite injuries.

**Animal control personnel**—The staff of a well-resourced animal control program often includes an education coordinator who can train teachers, school nurses, and volunteers to become dog bite prevention educators within the community's school system (similar to volunteers in the McGruff crime prevention program presented to primary-school children). For animal control personnel, job-related continuing education is important. Programs are available through the National Animal Control Association.

**Humane society/animal shelter/rescue group personnel**—Dog bite injuries have negative repercussions for dogs as well as people, and humane society/animal shelter/rescue group personnel must deal with these

issues. Dogs causing severe injuries may be brought to humane facilities for rabies quarantine or euthanasia. Dogs that have threatened to bite or that have nipped may be surrendered to shelters or rescue groups, sometimes without full acknowledgment by their owners.<sup>16</sup> Shelter personnel are forced to decide which dogs can be placed in new homes and which are not suitable for adoption. Progressive organizations work with veterinarians and animal control officers to educate their staff about safe dog handling and objective evaluation techniques. Record keeping and follow-up studies expand their knowledge base about what works in their community and what does not. Well-trained and dedicated humane society/animal shelter/rescue group personnel can be valuable community resources for public education as well.

### **Public**

Public education is critical to the success of any dog bite prevention program, because half of all bites are inflicted by the family dog.<sup>27</sup> Only about 10% of bites are inflicted by dogs unknown to the victim.<sup>7,15</sup> A public education effort must target a variety of individuals and age groups, and one individual should be assigned to integrate its components. If a special advisory council or task force is convened, its paid coordinator would be a logical choice to coordinate the public education effort. Alternatively, the public education coordinator could be a member of a municipal group such as the local health department, animal control agency, or board of education, or a member of a stakeholder group such as a humane society or veterinary association. Many educational programs targeted at various audiences exist and are included in the dog bite prevention resource list found on the American Veterinary Medical Association Web site ([www.avma.org](http://www.avma.org)). As new materials become available, they will be added to this resource list.

**Children**—Children are the most common victims of serious dog bites. Seventy percent of fatal dog attacks and more than half of bite wounds requiring medical attention involve children.<sup>7,9,15</sup> In addition, almost half of all children are bitten before 18 years of age.<sup>27,28</sup> The most vulnerable youngsters are 5- to 9-year-old boys,<sup>6,7,8</sup> but smaller children can also be seriously injured.<sup>29</sup> Dog bite injuries rank third only to bicycle and baseball/softball injuries as a leading cause of emergency admission of children to hospitals.<sup>6</sup> Children's natural behaviors, including running, yelling, grabbing, hitting, quick and darting movements, and maintaining eye contact, put them at risk for dog bite injuries. Proximity of a child's face to the dog also increases the likelihood that facial injuries will occur.<sup>6,7,29-31</sup>

**Target group**—The first step in a child education effort is determining what population of children to target and when. The logical primary audience is those at greatest risk: children in grades kindergarten through 4. Late winter or early spring appears to be the best time to institute a campaign, because the school year is concluding and, as children spend more time outside, exposure risk increases.<sup>32</sup> It is critical

that school administrators buy into the concept of a dog bite prevention program; therefore, requests to the school district must be made by committed convincing well-organized individuals. Because school curricula are crowded, time blocks for dog bite prevention education should be requested early within the school system's calendar year. If such a block of time is not available, an alternative is to have a veterinarian or physician present a 1-hour lecture or assembly program to the entire student body. Once dog bite prevention education has been included within the curriculum (or has been scheduled to be provided through a special lecture or assembly program), teachers, nurses, and volunteers should consider addressing the school's parent-teacher organization to inform parents of upcoming dog bite prevention training for their children.

**Secondary efforts**—Secondary targets include children in other settings, such as early education programs (eg, Head Start, day care centers, recreational centers, and camps).

**Identifying instructors**—Who teaches the material will depend on expertise within the community. For classroom instruction, teachers who have had in-service training, school nursing staff, health educators, or trained volunteers are logical choices. Stakeholder groups (eg, veterinarians, veterinary technicians, animal control officers, physicians, nurses, humane society staff) may provide a ready source of volunteers for classroom instruction and special programs.

**Adults**—Adult citizens must understand the need for and support a strong dog bite prevention program not only for their own safety but for the safety of others in their community. It is this understanding that gives a prevention program long-term stability. All adults should learn appropriate behaviors around dogs so that they can protect themselves, teach their own children, serve as an example for others, and reinforce appropriate behaviors in other children at every opportunity. Adults also serve as local eyes for animal control so that roaming dogs are controlled.

Educational materials sent home with school children, distributed by pediatricians during well-child visits, inserted in public utility bills, and produced by an enlightened local media are all reasonable approaches. Involving representatives of service organizations and community groups during a prevention program's planning and active stages will strengthen commitment.

Active adults (eg, joggers, bicyclists, golfers) whose outdoor activities provide greater exposure to dogs are most at risk for injury. To reach these individuals, bite prevention information should be provided to local interest groups, recreational facilities, and health clubs.

**Target group**—Primary adult targets within the community are those who have children and who are active in outdoor activities.

**Secondary efforts**—Secondary targets include individuals between the ages of 21 and 65 years.

**Identifying instructors**—Materials can be developed or selected by animal control personnel, veterinarians, veterinary technicians, or other people knowledgeable about dog behavior. Information can be distributed through a number of channels such as those identified above.

**The elderly**—As people age, they become more susceptible to injury and disease. Thinning skin increases risk of bruising, and a bite producing a simple puncture wound in a younger individual can cause a severe laceration in a senior citizen. Sensory perception decreases so that an elderly person may not see a threatening dog or may not be able to read its behavioral signals accurately. In addition, diminished motor skills mean that the elderly are less able to physically protect themselves or escape.

Another concern for the elderly is that their beloved pet may not be trustworthy around their grandchildren. Dogs not raised around small children or not frequently exposed to them may not be socialized toward them.<sup>1</sup> This increases the likelihood of aggressive behavior being directed toward these children.

An educational program for senior citizens can be implemented in various settings. Materials may be provided through community services for the elderly such as church groups, visiting nurse programs, meals-on-wheels, recreational centers, or travel groups. Secondary targets are shopping malls and the media. Trained volunteers, especially from dog-associated professions, are logical sources of information. Human healthcare professionals can be an important source of information for the elderly because of the frequency of their interactions.

**Target group**—Primary targets are grandparents and people aged 60 years or older who have dogs in their homes.

**Secondary efforts**—Secondary targets include other individuals who are at least 60 years old.

**Identifying instructors**—Physicians can interact with these people during clinic visits. Animal control personnel, veterinarians, veterinary technicians, and people knowledgeable about dog behavior can select or produce resource information.

**Animal owners**—People who own dogs have a wide variety of views about their responsibilities. For some, dog care means providing food and water when the thought occurs to them. At the other end of this spectrum is the person who actively makes sure the pet is appropriately fed, well-trained, licensed, and healthy. Some individuals view dogs as disposable items that can be abandoned at any sign of trouble or expense. Once a community establishes acceptable standards for responsible ownership, dog owners must be informed of these expectations and related ordinances, and rules must be enforced. Owners and future owners must be educated about their unique set of responsibilities, which include appropriate pet selection, providing quality nutrition, housing, and medical care, compliance with confinement and licensing requirements,

appropriate behavioral training, and supervision of interactions between dogs and children. Citizens must understand that pet ownership is an ongoing responsibility, not a passive activity.

Dog owners can be provided with information through various avenues. Veterinarians and their staff are logical educators and distributors. Local dog clubs and trainers provide services to more conscientious owners. Businesses that sell pet foods and supplies should also be encouraged to provide bite prevention materials to their customers. Information can be distributed with utility bills, and animal shelters can provide classes for people who are considering acquiring a pet. Incentives for attendance at bite prevention classes could include reduced fees for licenses and coupons for vaccinations, food, and obedience classes. The most difficult group of dog owners to reach is those with minimal attachment to their pets. Although strong enforcement of local regulations will change some owners into former owners, most will continue to own dogs. Therefore, education should be an integral part of any enforcement program. A good working relationship with the judiciary is critical so that offenders of animal-related ordinances are required to take courses that emphasize responsible ownership.

*Target group*—Primary targets are adults who already own dogs.

*Secondary efforts*—Secondary targets are adults who are considering getting a new dog.

*Identifying instructors*—Information for this target audience can come from various sources, and its distribution should be approached in a number of ways. Animal control officers and members of the legal profession can describe what is expected regarding local regulations and the serious consequences if these regulations are violated. Veterinarians and their staff can educate owners about vaccinations, neutering, restraint, and other health care issues. Dog club members and trainers can assist by providing socialization and training instruction and can help educate owners about being good dog-owning neighbors.

**Victims**—When someone becomes a dog bite victim, a teachable moment is created. How useful that moment becomes in preventing future incidents depends tremendously on the seriousness of the bite and the fear response of the victim. Scare-producing or threatening events are good times for dog bite prevention information to be conveyed. However, the time surrounding a serious injury is generally too emotionally charged to be of value for dog bite prevention education.

Who provides information to victims depends, in part, on who is contacted about the incident. In addition to medical personnel, animal control's investigative efforts usually require a home visit. Routine visits to a physician should include gathering historical information about the patient's interactions with dogs to identify patients who would benefit from additional education. Media stories that reinforce correct approaches to prevention can also touch many when they are most receptive.

*Target group*—Individuals who have recently been bitten by a dog seriously enough to require medical attention but not so seriously as to have sustained severe injuries are the primary target.

*Secondary efforts*—Secondary targets are individuals who have been bitten by a dog in the past.

*Identifying instructors*—Medical professionals and animal control personnel are the individuals who encounter this group.

**Businesses**—Community businesses need to address dog bite prevention as well. Certain businesses (eg, veterinary clinics, grooming and boarding facilities, animal control, pet sitting agencies) revolve around direct contact with dogs, and employee education is critical from a safety and liability standpoint. Employees of other businesses will occasionally encounter dogs in the course of their daily job activities (eg, utility workers, police officers, parcel carriers, and emergency medical technicians). Training conducted by an animal control officer or other knowledgeable professional may provide employees with the tools they need to safely handle contacts with at-large animals, attack/guard dogs, or dogs who simply reside on the premises of those facilities where they do business.

*Target group*—Primary targets are employees and business owners who will be working with dogs on a daily basis.

*Secondary efforts*—Employees of companies who are likely to encounter dogs in their daily business activities can be considered secondary targets.

*Identifying instructors*—Animal control personnel, veterinarians, veterinary technicians, and dog trainers who are experienced at dealing with dogs in a variety of environments. These individuals will need to customize presentations to the type of situations most likely encountered by the target audiences.

## Media

The local media play an important role in a community's efforts at bite prevention. For this reason, it is suggested that 1 member of the advisory council or task force be a media representative. In addition, the advisory council can be proactive in helping the media convey important and appropriate messages. Sensational events provide an opportunity to convey important messages. Regular features can reinforce principles and keep educational efforts flowing.

## Know the media

Your key to the public eye and ear is a selective up-to-date list of local media contacts who have an interest in animal issues. Such a list can be developed by undertaking a comprehensive media survey. Check the local library for publications that list names, telephone numbers, and short descriptions of your community's media outlets. Call each office or studio to discover which desks or departments should receive your inquiries and press releases. Read local newspapers and listen to local radio and television news and feature

programs to identify reporters and hosts who address animal issues. Finding out whether these individuals gather their own news or use wire services will allow you to target press releases and materials to those who are most likely to use them. Contact local freelance writers to see whether they would be willing to feature a bite prevention message in an upcoming piece. Be aware that your media list will be dynamic, and take time to update the names of specific contacts. Once a helpful story is published, or a reporter conveys your message during a broadcast, be sure to acknowledge that effort by sending a thank-you note or making an appreciative telephone call.

### **A spokesperson**

The community should identify a spokesperson who has the expertise to address complicated dog bite-related issues, and this individual should be provided with media training so that he/she becomes an effective communicator with the print and broadcast media. It is the spokesperson's responsibility to convey information clearly, accurately, and promptly. In various situations, this individual can identify when there are not enough animal control officers to prevent dog packs from forming or when a dog has been "sicked" on a person as a weapon. A knowledgeable and effective communicator can turn a publicized bite into a learning opportunity by providing suggestions on how that bite could have been prevented (eg, the dog was not appropriately controlled or confined, or a child was left unsupervised).

### **Have information readily available**

The advisory council or task force should create a 1-page fact sheet for use by the media and the spokesperson. This fact sheet should include the number of dog bite incidents occurring in the community during the past year, the number of dogs in the community, the number of licensed dogs in the community, what local laws govern dog ownership and control, and to whom problems should be reported. A list of community resources should also be available.

### **Ways to effectively convey information**

Because animal stories are popular with the media, there are numerous opportunities to convey bite prevention information. Local broadcast programs and newspapers find regular segments about animals popular with viewers/listeners/readers, and most of those spots have enough time for short lessons. Another approach is to proactively bring animal stories to the media. Examples include a story about a shelter dog that visits nursing homes after being rescued and appropriately trained, a description of a guide or "hero" dog's training, or warm-weather tips for pets. Effective mechanisms for providing information vary with the medium but include:

**News releases**—Releases may be provided to print, radio, or television outlets. Releases should be double-space typed on stationery that provides the source of the announcement (ie, the advisory council or task force). Include the subject of the news release and contact information in the upper left corner. The

mailing date of the release should be indicated along the right margin. The release should be written in inverted pyramid style, placing the most important information at the beginning. Releases should be limited to 1 page if possible.

**Interviews**—Interviews may be conducted by print, radio, or television reporters or hosts and, in the case of television and radio, may be live or taped. The individual being interviewed must be an excellent communicator and intimately familiar with dog bite issues and prevention. The interviewee may request a pre-interview to get a grasp of the direction of the interview. It is advisable to tell the interviewer which issues you would definitely like to see addressed. Answers should be structured according to the program's time limits.

**Talk shows**—Most of the principles that apply to interviews also apply to talk shows, but in this situation there usually will be interaction with guests (who often hold opposing views), potentially with an audience, and with the host. Running through mock discussions prior to participation is helpful. Responses to questions or comments from those with opposing views should always be factual, sincere, and polite.

**Public affairs programs**—Many stations air 2 or 3 programs a week in which the station's news staff or station management interview a newsmaker, a spokesperson from an activist group, or a public relations representative from an industry. Issues in the news are often addressed by such programming. These provide a good opportunity to make your community aware of bite prevention efforts and to elicit support. Access to these programs may be requested by sending a letter to the station manager.

**Bulletin board and community announcements**—Many local television stations donate air time to announcements of community events. These are often broadcast in calendar format. This is an easy way to publicize educational events and responsible pet ownership classes.

**Editorials**—Editorials are used by print, radio, and television reporters to present their views on issues of public interest. Prepared statements describing the advisory council's approach to dog bite prevention can be provided to reporters for use in preparing an editorial or may be provided if a reporter presents an opposing viewpoint.

**Public service announcements**—Many radio and television stations donate time for **public service announcements (PSA)**; however, public service groups cannot specify when your PSA is to be aired. It is acceptable to suggest when you believe airing your PSA will be most effective. Most PSAs run for 30 to 60 seconds, although 10- and 20-second spots are also used. To mitigate the costs associated with production, you may want to contact local stations to see whether they offer sponsored placements, in which local advertisers donate time for specific public service messages. Public service announcements may consist of script only, sight and sound (simple or complex), or 16-mm film or videotape.

\*See [www.avma.org](http://www.avma.org) for additional and updated information.

<sup>b</sup>Anderson RD, Nevada Department of Public Health, Reno, Nev: Personal communication, 1999.

<sup>c</sup>National Center for Injury Prevention and Control. *Resource guide—line for state and local injury control programs*; in preparation.

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## Appendix 1

### Groups potentially involved in dog bite prevention

A model program for preventing dog bites begins with assembling a local coalition. Wide representation of community views on the coalition helps ensure sufficient input and community acceptance of the program. Key players include:

- ? animal control officials
- ? attorneys, judges
- ? business sector (eg, local business leaders, insurance companies, pet stores)
- ? dog breeders and trainers
- ? educational system (eg, schools, parent-teacher organizations)
- ? health departments and public health associations
- ? humane societies
- ? human healthcare providers and associations (eg, nurses, pediatricians, community health centers, emergency medical service and ambulance companies, health maintenance organizations, hospitals, managed care organizations, medical associations, medical examiners' and coroners' offices, schools of medicine and public health, trauma centers)
- ? kennel clubs, dog clubs, assistance dog organizations
- ? law enforcement agencies
- ? local government officials
- ? media
- ? occupational safety organizations, agencies, and groups (eg, firefighters, meter readers)
- ? veterinary care providers and associations, allied staff, clinics, schools of veterinary medicine and veterinary technology
- ? volunteer nonprofit organizations (eg, boy/girl scouts; various "Y"s; 4-H clubs; chapters of the American Red Cross, Safe Kids, National Safety Council, and National Fire Protection Association; foundations; United Way; and civic groups [Kiwanis, Rotary])
- ? other groups (eg, sports recreation clubs [joggers, bicyclists], automobile clubs, extension offices)

*Continued on next page.*

## Appendix 2

### Model dog and cat control ordinance

Originally produced and published jointly by the American Veterinary Medical Association, the American Humane Association, the Humane Society of the United States, and the Pet Food Institute in 1976. Modifications have been made from the original version to reflect updated US Public Laws, current titles of other referenced documents, and present favored terminology and definitions concerning "dangerous" animals.

#### Section 1. Definitions

As used in this ordinance the following terms mean:

**Animal**—For the purpose of this ordinance, animal shall mean dog or cat.

**Animal control authority**—The person or persons designated to enforce this ordinance.

**Animal establishment**—Any pet shop, grooming shop, animal auction, performing-animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

**Animal shelter**—Facility designated or recognized by the [jurisdiction]\* for the purpose of impounding and caring for animals.

**At large**—A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

**Humane manner**—Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feedings habits of the animal's size, species, and breed.

**Kennel**—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

**Licensing authority**—The agency or department of [jurisdiction] or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

**Livestock guarding dogs**—Dogs kept for the primary purpose of protecting livestock from predatory attacks.

**Neutered**—Rendered permanently incapable of reproduction.

**Nuisance**—A dog or cat shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous," or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

**Owner**—A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

**Person**—Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

**Pet shop**—An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.

**Restraint**—A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

**"Dangerous" dog or cat**—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one (1) or more persons or domestic animals.

#### Section 2. Licensing and rabies vaccination

a. Except as provided in Section 3, no person shall own, keep, or harbor any dog or cat over four (4) months of age within [jurisdiction] unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

b. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the *Journal of the American Veterinary Medical Association*.

c. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.<sup>f</sup>

d. Application for a license must be made within thirty (30) days after obtaining a dog or cat over 4 months of age, except that this requirement will not apply to a nonresident keeping a dog or cat with the [jurisdiction] for no longer than sixty (60) days.

Written application for a dog or cat license shall be made to the [licensing authority] and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

e. The licensing period shall be for 1 year(s). License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence.

f. A license shall be issued after payment of a fee of \$\_\_\_\_\_ for each unneutered dog or cat and \$\_\_\_\_\_ for each neutered dog or cat. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee of \$\_\_\_\_\_.

g. License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

h. Upon acceptance of the license application and fee, the [licensing authority] shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable. [Licensing authority] shall maintain a record of all licenses issued, and such records shall be available to the [animal control authority].

#### Section 3. Permits

a. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

b. The permit period shall begin with the first day of the fiscal year and shall run for one (1) year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

c. Annual permits shall be issued upon payment of the applicable fee:

i. For each kennel authorized to house less than six (6) dogs or cats \$\_\_\_\_\_

ii. For each kennel authorized to house six (6) but not more than

forty-nine (49) dogs or cats \$\_\_\_\_\_

iii. For each kennel authorized to house fifty (50) or more dogs and cats \$\_\_\_\_\_

iv. For each pet shop \$\_\_\_\_\_

v. For other animal establishments \$\_\_\_\_\_

d. A person who maintains a kennel of six (6) or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under

Section 2. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring an individual permit.

e. Under the provisions of this ordinance, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the [licensing authority] within sixty (60) days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

f. Failure to comply with the provisions of this section is subject to a fine of \$\_\_\_\_\_.

#### Section 4. Issuance and revocation of permits and licenses

a. The [appropriate authority] may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the [appropriate authority] or any other law governing the protection and keeping of animals.

b. If an applicant is shown to have withheld or falsified any material information on the application, the [licensing authority] may refuse to issue or may revoke a permit or license.

c. It shall be a condition of issuance of any permit for an animal establishment that the [appropriate authority] shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the [appropriate authority] shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a \$\_\_\_\_\_ fee.

#### Section 5. Owner responsibility

a. All dogs and cats shall be kept under restraint.

b. Every "dangerous" dog or cat, as determined by the [appropriate authority], shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

c. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

d. Failure to comply with the provisions of this section shall be subject to a fine of \$\_\_\_\_\_.

e. Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of microchip, tag, or other means to allow easy determination of the owners.

f. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

#### Section 6. Impoundment

a. Any dog or cat found running at large shall be impounded by the [animal control authority] in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the [animal control authority] shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of [five (5) full days]<sup>g</sup> in which the shelter is open to the public shall become the property of the [jurisdiction].

b. When a dog or cat is found running at large and its ownership is verified by the [animal control authority], the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

c. In the event that the [appropriate authority] finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

d. Disposal of an animal by any method specified here in does not relieve the owner of liability for violations and any accrued charges.

#### Section 7. Redemption

a. Any animal impounded may be redeemed by the owner thereof within five (5) days upon payment of an impoundment fee of \$\_\_\_\_\_, provided that if any such animal has been previously impounded, the impoundment fee shall be \$\_\_\_\_\_. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

b. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of \$\_\_\_\_\_.

c. No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

#### Section 8. Adoption

An adoption fee of \$\_\_\_\_\_ shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.

#### Section 9. Interference

No person shall interfere with, hinder, or molest any agent of the [animal control authority] in the performance of any duty as herein provided.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$\_\_\_\_\_ or more than \$\_\_\_\_\_.

#### Section 10. Repeals (conflicting ordinances)

All other ordinances of the [jurisdiction] that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

#### Section 11. Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

#### Section 12. Applicability

This ordinance shall be in full force and effect upon the expiration of days after its passage and publication.

#### Section 13. Safety clause

The [jurisdiction] hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the [jurisdiction] and the inhabitants thereof.

\*For all occurrences of [ ], communities should insert their applicable agency. †The organizations developing this model ordinance recommended that licensing tags show, in addition to the license number, the city or county and state in which the animal is registered. This helps to alleviate the problem of an animal being left unidentified or unclaimed because it has been transported from one state to another and has no reference to the issuing city or county on the license tag. ‡Where blanks are found without insertions, communities should insert applicable fees or conditions. §Differential license fees for neutered animals serve as an incentive for responsible pet ownership. ¶Breakaway collars are recommended when tags are affixed to collars worn by cats. ¶¶It is recognized that holding periods will be determined to some degree by availability of facilities; however, it is important to ensure a reasonable opportunity for owners to reclaim their dog or cat.

### Appendix 3

#### Recommended data elements for reports of dog bites

Data element	Comment	Data element	Comment
Notifications of dog attacks on humans . . .	A card or telephone report to be submitted by those providing care to the human victim	Dog information	
Name of victim		Name	
Address of victim		Breed . . . . .	Indicate by whose designation (eg, owner report, animal control officer, law enforcement officer). This is important if breed data are to be interpreted.
Telephone (home and work)			
Parent contact information (if a minor)		Sex	
Incident date and time		Age	
Reported to whom		Weight	
Date and time of report		Reproductive status	
Notifications of dog attacks on animals . . .	A card or telephone report to be submitted by those providing care to the animal victim	Name of veterinarian	
Owner of victim		Rabies vaccination date	
Type of victim		Rabies tag number	
Address of owner		License number	
Telephone (home and work)		Microchip number	
Incident date and time		Degree of confinement . . . . .	Identifying different forms of confinement (eg, chaining, tethering, electronic fence) is important if risk associated with these practices is to be assessed.
Name and address of owner or custodian of attacking dog		at time of bite	
Reported to whom			
Date and time of report		Prior incidents	
For animal control investigations		Obedience training	
Agency information		Circumstances of the bite	
Case number		Victim account	
Report date and time		Owner's account	
Incident date and time		Witness account (contact information)	
Who reported the case		Number of dogs involved . . . . .	Attacks by multiple dogs may account for 20 to 30% of incidents. Forms for these animals could be given case numbers with a special designation (eg, 123A, 123B).
Report received by			
Location of incident			
Victim information			
Name		Injury information	
Breed (if animal)		Location of injury	
Age and date of birth		Nature of injury	
Sex		Severity of injury	
Address			
Telephone (home and work)		Animal disposition	
Parent contact information (if minor)		Quarantine location	
Rabies immunization status (if animal)		Date of quarantine	
Owner information		Date to be released	
Name		Quarantined by	
Age and date of birth		Euthanatized	
Sex			
Address			
Telephone (home and work)			

*Continued on next page.*

## Appendix 4

### Model legislation for the identification and regulation of "dangerous" dogs

- A. Actions allowed by authorized persons prior to hearing
1. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
  2. A police officer or peace officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.
- B. Definitions
1.
    - a. "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is "dangerous." Further, No dog may be declared "dangerous"
    - i. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
    - ii. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
    - iii. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
    - iv. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
    - v. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
    - vi. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating.
    - vii. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
  2. "Attack" means aggressive physical contact initiated by the dog.
  3. "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
  4. "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.
- C. Hearing procedure
1. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a police officer or peace officer of the appropriate municipality. Such officers shall immediately inform the complainant of his right to commence a proceeding provided for in Paragraph 2, immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.
  2. Any person may, and any police officer, or peace officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an alleged dangerous" dog as that term is defined herein to any municipal judge or justice. Thereupon, the judge or justice, or hearing panel subject to judicial review, shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer or peace officer pursuant to his statutory duties or animal control officer directing such officer to immediately seize such dog and hold same pending judicial determination as herein provided. Whether or not the judge or justice, or hearing panel subject to judicial review, finds there is probable cause for such seizure, he shall, within five (5) days and upon written notice of not less than three (3) days to the owner of the dog, hold a hearing on the complaint.
- D. Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be "dangerous," the judge or justice, or hearing panel subject to judicial review, shall require the owner of said animal to register such animal (with the appropriate Health Department or animal control facility), and to provide prompt notification to (the appropriate Health Department or animal control facility) of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; the death of the animal. In addition, the judge or justice, or hearing panel subject to judicial review, may require any or all of the following, but items 5, 6 and 11, or any one of them, may only be imposed where there has been serious injury to a person.
1. Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. (Provisions for the dog to be outdoors must also be made.)
  2. Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.
  3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
  4. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
  5. When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
  6. Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:
    - a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one half (2.5) times the length of the dog, and shall protect the dog from the elements.
    - b. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.
    - c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.
    - d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
  7. Placement of a sign or signs of a description and in places directed by the judge or justice, advising the public of the presence and tendencies of said animal.
  8. Attendance by the dog and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
  9. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
  10. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the (appropriate health department or animal control facility) as indicated above.
  11. The procurement of liability insurance in an amount to be determined by the judge or justice, but in no case in an amount of less than fifty thousand dollars (\$50,000), covering the medical and or veterinary costs resulting from future actions of the dog (a determination of liability shall be made in accordance with the laws of the jurisdiction). This condition may not be imposed if it is shown that no such insurance is available for a reasonable premium.
  12. If any of the above conditions ordered by a judge or justice, or hearing panel subject to judicial review, are not complied with, the owner shall be subject to a fine of not more than ten thousand dollars (\$10,000).
  13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the judge or justice, or hearing panel subject to judicial review, may impose or reimpose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

## Appendix 5

### Suggested reading for professionals (numbers correspond to cited references)

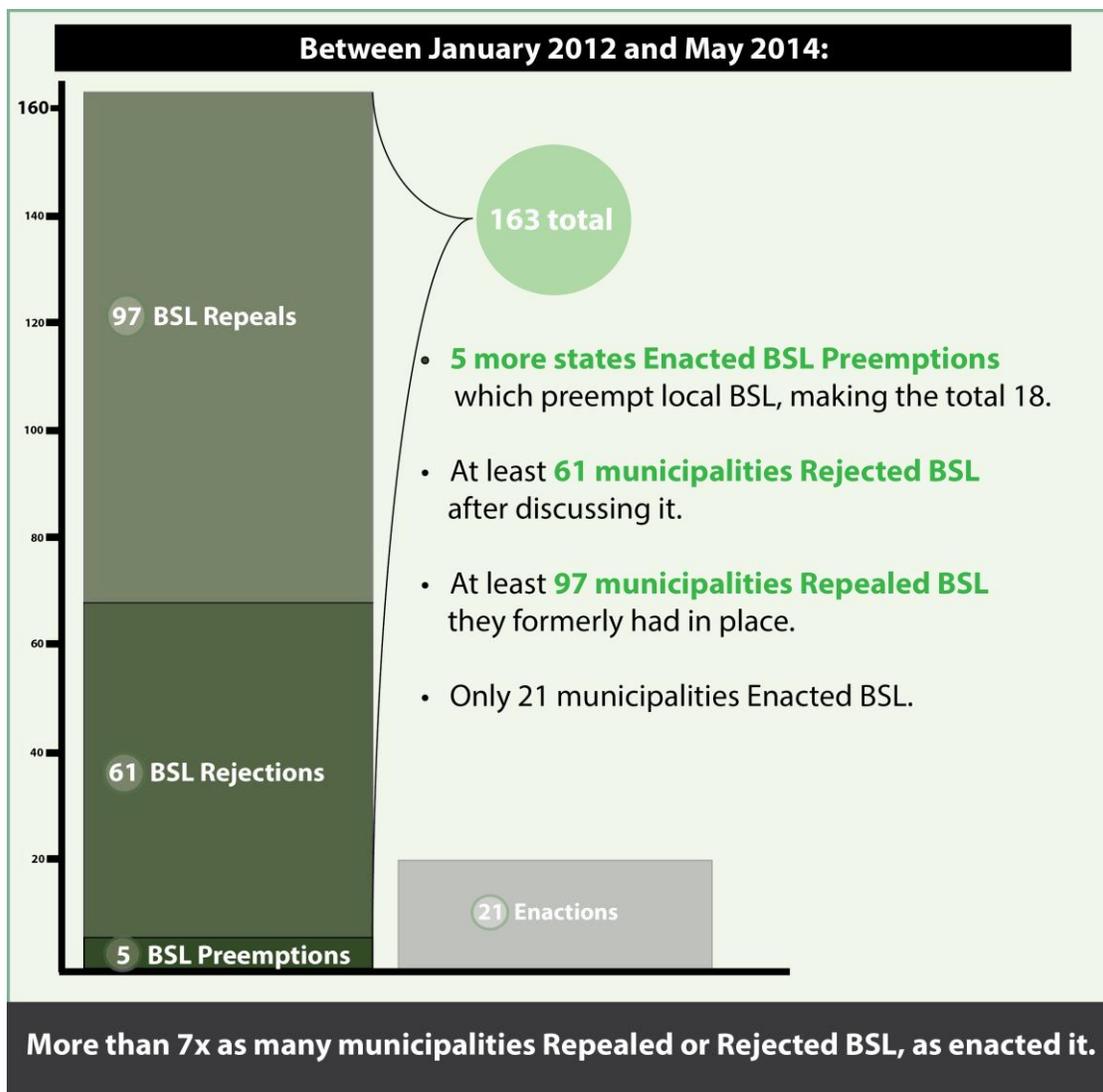
Group	Reference numbers
Public officials and community leaders	4, 6, 8-9, 10, 12, 14-16, 18, 20, 27-28, 30, 32-47
Veterinarians	1, 4-10, 12, 14-16, 27-28, 30, 32, 35-36, 39, 41-73
Veterinary technicians	7, 12, 16, 28, 43-45, 47, 50-57, 59, 61, 63-64, 66-69, 74
Physicians and nurses	4-6, 8-10, 12, 14-15, 27-28, 30, 32, 35-36, 41, 43, 45-48, 60, 70-71, 73, 75-76
Humane society/animal shelter/ rescue personnel	4-6, 10, 12, 14-15, 27-28, 30, 35-36, 41-43, 51-55, 61, 66, 69, 71

## BREED-SPECIFIC LEGISLATION ON THE DECLINE :

**5 MORE STATES NO LONGER ALLOW BSL & MORE THAN 7X AS MANY U.S. MUNICIPALITIES REPEALED OR REJECTED PROPOSED BSL, THAN ENACTED IT BETWEEN: JANUARY 2012 – MAY 2014.**

The national trend is moving steadily away from breed-specific legislation (BSL) and toward breed neutral laws that hold all owners equally accountable for the humane care, custody and control of their dogs. The list of states that are considering and passing legislation to preempt municipalities from passing BSL continues to grow.

BSL is a discriminatory law or ordinance that prohibits or restricts the keeping of dogs of specific breeds, dogs presumed to be specific breeds, mixes of specific breeds, and/or dogs presumed to be mixes of specific breeds.<sup>1</sup>



The trend reflects a growing understanding that regulating dogs on the basis of breed or physical description does not reduce dog bites.<sup>2,3,4</sup> An analysis published in 2010 offers one explanation for the failure of BSL.<sup>5</sup> Most importantly, studies continue to show that one kind of dog is no more likely to threaten or bite a human being than another.<sup>6,7,8</sup>

The American Bar Association has urged the repeal of all BSL.<sup>9</sup> The White House also opposes BSL and released a statement saying, “research shows that bans on certain types of dogs are largely ineffective and often a waste of public resources.”<sup>10</sup> No major national organizations endorse BSL, including the American Veterinary Medical Association, the Centers for Disease Control, the Humane Society of the United States, the National Animal Control Association, the American Society for the Prevention of Cruelty to Animals, and Best Friends Animal Society. The tide has turned against BSL and communities are implementing policies that hold all dog owners responsible for the humane care, custody, and control of their dogs, regardless of breed or appearance.

Building safer and more humane communities requires multifactorial approaches focusing on improved ownership and husbandry practices, better understanding of dog behavior, education of parents and children regarding safety around dogs, and consistent enforcement of dangerous dog/reckless owner ordinances in communities.<sup>11,12</sup>

*Updated June 16, 2014*

## SOURCES and NOTES

<sup>1</sup> The most drastic form of BSL is a complete ban, but BSL also includes any laws that impose separate requirements or limitations on dogs and dog owners, including but not limited to: mandatory spay/neuter, muzzling requirements, liability insurance requirements, special licensing and additional fees, mandatory microchipping or tattoos, owner / walker age requirements, property posting requirements, confinement and leash requirements, breed-specific pet limits, sale or transfer notification requirements, restrictions on access to certain public spaces with the dog [e.g.: public parks; school grounds], required town-issued items [e.g.: fluorescent collar; vest], training requirements, requirement that photos of the dog and/or owner be kept on town file. BSL, in any form, results in the destruction of many pet dogs.

For more information and to stay up-to-date with BSL, please see the NCRC BSL Map:  
<http://nationalcanineresearchcouncil.com/dog-legislation/bsl-map>

<sup>2</sup> National Canine Research Council. (2013). *Denver's Breed-Specific Legislation: Brutal, Costly, and Ineffective*. Retrieved from:  
[http://nationalcanineresearchcouncil.com/uploaded\\_files/tiny/mce/Denver%20BSL%20Brutal.%20Costly.%20and%20Ineffective%20%20Aug%202013.pdf](http://nationalcanineresearchcouncil.com/uploaded_files/tiny/mce/Denver%20BSL%20Brutal.%20Costly.%20and%20Ineffective%20%20Aug%202013.pdf)

<sup>3</sup> Rosado, B., García-Belenguer, S., León, M., & Palacio, J. (2007). Spanish dangerous animals act: Effect on the epidemiology of dog bites. *Journal of Veterinary Behavior*, 2(5): 166-174.

<sup>4</sup> Cornelissen, J.,M., & Hopster, H. (2010). Dog bites in the Netherlands: a study of victims, injuries, circumstances and aggressors to support evaluation of breed specific legislation. *Veterinary Journal*, 186(3): 292-298.

<sup>5</sup> Patronek, G.J., Slater, M., & Marder, A. (2010). Use of a number-needed-to-ban calculation to illustrate limitations of breed-specific legislation in decreasing the risk of dog bite-related injury. *Journal of the American Veterinary Medical Association*, 237(7): 788-792.

<sup>6</sup> American Veterinary Medical Association: Animal Welfare Division. (2012). *Dog Bite Risk and Prevention: The Role of Breed*. Retrieved from: <https://www.avma.org/KB/Resources/LiteratureReviews/Pages/The-Role-of-Breed-in-Dog-Bite-Risk-and-Prevention.aspx>

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- <sup>7</sup> Guy, N. C., Luescher, U. A., Dohoo, S. E., Spangler, E., Miller, J. B., Dohoo, I. R., & Bate, L. A. (2001). Demographic and aggressive characteristics of dogs in a general veterinary caseload. *Applied Animal Behaviour Science*, 74(1), 15-28.
- <sup>8</sup> Casey, R. A., Loftus, B., Bolster, C., Richards, G.J., & Blackwell, E.J. (2014). Human directed aggression in domestic dogs (*Canis familiaris*): Occurrence in different contexts and risk factors. *Applied Animal Behavior Science*, 152, 52-63.
- <sup>9</sup> American Bar Association. (2012). *Resolution 100: Adopted by the House of Delegates*. Retrieved from: [http://www.americanbar.org/content/dam/aba/administrative/mental\\_physical\\_disability/Resolution\\_100.auth\\_checkdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Resolution_100.auth_checkdam.pdf)
- <sup>10</sup> The White House. (2013). *Breed-Specific Legislation Is a Bad Idea*. Retrieved from: <https://petitions.whitehouse.gov/response/breed-specific-legislation-bad-idea>
- <sup>11</sup> National Canine Research Council. (2013). *Causes and Prevention*. Retrieved from: <http://nationalcanineresearchcouncil.com/dogbites/causes-and-prevention/>
- <sup>12</sup> Patronek, G.J., Sacks, J.J., Delise, K.M., Cleary, D.V., & Marder, A.R. (2013). Co-occurrence of potentially preventable factors in 256 dog bite-related fatalities in the United States (2000-2009). *Journal of the American Veterinary Medical Association*, 243(12), 1726-1736.

## **American Veterinary Medical Association (AVMA)**

“By generalizing the behaviors of dogs that look a certain way, innocent dogs suffer and may even be euthanized without evidence that they pose a threat. Responsible dog owners are forced to give up their dogs, or move, cities and state spend money enforcing restrictions and bans instead of putting that money to better use by establishing and enforcing licensing and leash laws, and responding proactively to target owners of any dog that poses a risk to the community”

<https://www.avma.org/public/Pages/Why-Breed-Specific-Legislation-is-not-the-Answer.aspx>

See also the AVMA’s: A Community Approach to Dog Bite Prevention

<https://www.avma.org/public/Health/Documents/dogbite.pdf>

## **American Veterinary Society of Animal Behavior**

“The American Veterinary Society of Animal Behavior (AVSAB) is concerned about the propensity of various communities’ reliance on breed-specific legislation as a tool to decrease the risk and incidence of dog bites to humans. The AVSAB’s position is that such legislation – often called breed-specific legislation-is ineffective, and can lead to a false sense of community safety as well as welfare concerns for the dogs identified (often incorrectly) as belonging to specific breeds.

[http://avsabonline.org/uploads/position\\_statements/Breed-Specific\\_Legislation-download-1.pdf](http://avsabonline.org/uploads/position_statements/Breed-Specific_Legislation-download-1.pdf)

## **American Bar Association**

“Resolved, that the American Bar Association urges all state, territorial and local legislative bodies and government agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory or breed specific provisions.

[http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/aba\\_adopts\\_policyba0.html](http://www.americanbar.org/news/abanews/aba-news-archives/2013/08/aba_adopts_policyba0.html)

## **National Animal Control Association (NACA)**

“Guideline Statement

Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed.

Basis for Guideline

Any animal may exhibit aggressive behavior regardless of breed. Accurately identifying a specific animal’s lineage for prosecution purposes may be extremely difficult. Additionally,

breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility.”

[http://c.ymcdn.com/sites/www.nacenet.org/resource/resmgr/Docs/NACA\\_Guidelines.pdf?hhSearchTerms=%22dangerous+and+dogs%22](http://c.ymcdn.com/sites/www.nacenet.org/resource/resmgr/Docs/NACA_Guidelines.pdf?hhSearchTerms=%22dangerous+and+dogs%22)

### **Kansas Animal Control Association**

“BSL is commonly perceived to be a proactive measure to prevent public safety issues that are thought to be associated with certain breeds. However, implementing breed restrictions/bans has negative and unintended consequences...the Kansas Animal Control Association recommends implementing laws that are truly effective and can be applied fairly to all breeds and not be discriminatory to certain breeds and their owners.

There is no behavior that is unique to a single breed or kind of dog. A dog’s physical and behavioral traits will be the result of multiple factors including genetics, training, management and the environment.”

<http://www.kaca.net/bslstatement.pdf>

### **National Association of Dog Obedience Instructors**

“The National Association of Dog Obedience Instructor, Inc. (NADOI) strongly opposes breed specific legislation which targets or discriminates against certain dogs based only on their breed or appearance. Such laws are unfair because they assume that a dog may be dangerous simply because of breed. In fact, it is almost always the behavior of the owners of these dogs which makes them a danger to others.

Since 1965, the NADOI has worked to help people train their dogs to be well behaved. Also, NADOI educates dog owners about the responsibility not only to their dogs, but to their communities. Ordinances against dangerous dogs, unattended and loose dogs, nuisance barking and other objectionable dog behaviors should be enacted and aggressively enforced. These laws, unlike breed-specific laws, force all dog owners to be responsible for the behavior of their dogs.

<http://www.nadoi.org/position2.htm>

### **Association of Pet Dog Trainers**

“The Association of Pet Dog Trainers (APDT) supports the adoption or enforcement of a program for the control of dangerous or vicious dogs that is fair, non-discriminatory and addresses dogs that are shown to be dangerous by their actions.

The APDT opposes any law that deems a dog as dangerous or vicious based on appearance, breed or phenotype. Canine temperaments are widely varied and behavior cannot be predicted by

physical features such as head shape, coat length, muscle to bone ratio, etc. The only predictor of behavior is behavior.

As an organization comprised of dog trainers, behaviorists and other animal professionals, the APDT is fully aware that any dog can bite, any dog can maim and any dog can kill. A dangerous or vicious dog is the product of a combination of individual genetics, upbringing, socialization and lack of proper training. The solution to preventing dog bites is education of owners, breeder and the general public about aggressive prevention, not legislation directed at certain breeds.

Singling out and publicly demonizing certain breeds as dangerous is unfair, discriminatory, and does an immense disservice to those breeds and the people who care about them. Even more chilling, breed specific legislation encourages the faulty public perception of other breeds as being inherently safe. This can lead misguided individuals to engage in unsafe conduct with other breeds that can result in injury or death by individual representatives of those breeds mistakenly perceived as safe. Also, designating certain breeds as inherently dangerous implies to the public that behavior is not effectively influenced, positively or negatively, by training. This misconception will likely produce a growing number of dangerous dogs as misinformed, complacent dog owners fail to practice responsible aggression-prevention measures.”

<https://apdt.com/about/position-statements/breed-specific-legislation/>

### **International Association of Canine Professionals**

“The International Association of Canine Professionals strongly opposes legislation which discriminates against dogs and their owners by labeling certain dogs as “dangerous” or “vicious” based on breed or phenotype. Breed-specific legislation does not protect communities nor create a more responsible dog owner. Instead it negatively affects many law abiding dog owners and dogs within the targeted breeds.

Breed or breed type is only one factor which determines an individual dog’s temperament. Many other factors also influence behavior. In the case of aggressive acts by dogs, factors may include, but are not limited to: genetic predisposition; irresponsible handling; lack of animal management; general care; improper socialization and training; poor housing conditions; physical ailment, and lack of education and supervision.

A common and serious error in the ‘assumption of risk by breed’ is the inability to identify individual dogs by breed, according to an established breed standard or breed type. Purebred dogs which are registered with national clubs may or may not fit the ideal standard for their breed. As dogs are further distanced from the “ideal” standard by phenotype, especially in mixed breeds, it may become all but impossible for accurate identification.

The vast majority of dogs typically affected by breed-specific legislation are not “dangerous” by any standard. Their physical appearance alone cannot be used as an indicator of an aggressive

nature. Breed-specific legislation creates an undue burden on responsible owners of targeted breeds – dogs which are most often not dangerous to their communities....”

<http://www.canineprofessionals.com/assets/docs/iacp%20breed%20specific%20legislation.pdf>

### **American Kennel Club (AKC)**

“The American Kennel Club supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. The AKC believes that dog owners should be responsible for their dogs. We support laws that: establish a fair process by which specific dogs are identified as “dangerous” based on stated, measurable actions; impose appropriate penalties on irresponsible owners and establish a well-defined method for dealing with dogs proven to be dangerous. We believe that, if necessary, dogs proven to be “dangerous” may need to be humanely destroyed. The American Kennel Club strongly opposes any legislation that determines a dog to be “dangerous” based on specific breeds or phenotypic classes of dogs.”

[http://www.akc.org/pdfs/canine\\_legislation/position\\_statements/Dangerous\\_Dog\\_Control\\_Legislation.pdf](http://www.akc.org/pdfs/canine_legislation/position_statements/Dangerous_Dog_Control_Legislation.pdf)

### **National Animal Interest Alliance**

“NAIA supports reasonable laws to protect the public from dangerous dogs and opposes breed-specific legislation in any form. Breed-specific laws target good dogs and responsible animal owners along with the bad.”

<http://www.naiaonline.org/about-us/position-statements/pets-and-the-community#breed>

### **Center for Disease Control (CDC)**

A CDC study on fatal dog bites lists breeds involved in fatal attacks over 20 years. It does not identify specific breeds that are more likely to bite or kill, and thus, is not appropriate for policy-making decisions related to the topic. These bites result in approximately 16 fatalities; about .0002 percent of the total number of people bitten. These relatively few fatalities offer the only available information about breeds involved in dog bites. 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. For prevention ideas and model policies for control of dangerous dogs, please see the American Veterinary Medical Association (AVMA) Task Force Guide on Canine Aggression and Human-Canine Interactions: A Community Approach to Dog Bite Prevention.” (*I’ve provided the link to that study above*)

<http://www.cdc.gov/HomeandRecreationalSafety/images/dogbreeds-a.pdf>

## **Humane Society of the United States (HSUS)**

“There is no evidence that breed-specific policies reduce dog bites or attacks on people and they divert resources away from more effective animal control and public safety initiatives....Breed based policies aren’t founded on science or credible data, but on myths and misinformation surrounding different breeds. Their impact on dogs, families and animal shelters, however, is heartbreakingly real.

[http://www.humanesociety.org/issues/breed-specific-legislation/fact\\_sheets/breed-specific-legislation-all-dogs-are-equal.html](http://www.humanesociety.org/issues/breed-specific-legislation/fact_sheets/breed-specific-legislation-all-dogs-are-equal.html)

**The American Society for the Prevention of Cruelty to Animals (ASPCA)** (The full report at the link below provides a wealth of research supporting their opinion).

Although multiple communities have been studied where breed-specific legislation has been enacted, no convincing data indicates this strategy has succeeded anywhere to date. Conversely, studies can be referenced that evidence clear, positive effects of carefully crafted, breed-neutral laws. It is, therefore, the ASPCA’s position to oppose any state or local law to regulate or ban dogs based on breed. The ASPCA recognizes that dangerous dogs pose a community problem requiring serious attention. However, in light of the absence of scientific data indicating the efficacy of breed-specific laws, and the unfair and inhumane targeting of responsible pet guardians and their dogs that inevitably results when these laws are enacted, the ASPCA instead favors effective enforcement of a combination of breed-neutral laws that hold reckless dog guardians accountable for their dogs’ aggressive behavior.

<https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-breed-specific-legislation>

## **Best Friends Animal Society**

“We draft and lobby for laws that protect communities from reckless owners and dangerous dogs. Best Friends opposes breed-discriminatory legislation, which arbitrarily targets particular dogs because of their appearance or breed. Canine profiling is not only ineffective at improving community safety, it is extremely expensive to enforce and a waste of tax dollars and lives.”

<http://bestfriends.org/What-We-Do/Our-Work/Initiatives/Pit-Bull-Initiatives/>



## Why breed-specific legislation is not the answer

Imagine you were told you weren't allowed to live somewhere or do something because you had a specific "look" about you that some people didn't like. Or maybe you look like someone who did something bad, even though you haven't done anything bad yourself. Imagine someone who's never met you decides that you're a bad person and a danger to society. They won't let you live in their neighborhoods or walk in their parks or streets. Is that acceptable?

It's not acceptable, but it's happening to dogs in our country and around the world. Breed-specific legislation (or BSL) targets specific breeds of dogs that are thought to be dangerous and makes ownership of these dogs illegal. This type of legislation might even mandate that shelter or stray dogs that fit a certain "look" be euthanized instead of placed in homes regardless of their background or temperament. Several cities and towns across the United States and Canada have adopted BSL measures, ranging from placing restrictions and requirements on dog owners to outright bans on owning any "pit bull-type" dogs.

Frequently BSL focuses on dogs with a certain appearance or physical characteristics instead of an actual breed. "Pit bulls" are the most frequent victims of BSL despite being a general type rather than a breed, but specific breeds are also sometimes banned including Rottweilers, Dobermans and boxers. BSL can be tough to enforce, especially when a dog's breed can't easily be determined or it is of mixed breed. A [recent study](#) showed that even people very familiar with dog breeds cannot reliably determine the primary breed of a mutt, and dogs are often incorrectly classified as "pit bulls." By generalizing the behaviors of dogs that look a certain way, innocent dogs suffer and may even be euthanized without evidence that they pose a threat. Responsible dog owners are forced to give up their dogs or move. Cities and states spend money enforcing restrictions and bans instead of putting that money to better use by establishing and strictly enforcing licensing and leash laws, and responding proactively to target owners of any dog that poses a risk to the community.

Any dog can bite, regardless of its breed, and more often people are bitten by dogs they know. It's not the dog's breed that determines risk -- it's the dog's behavior, general size, number of dogs involved and the vulnerability of the person bitten that determines whether or not a dog or dogs will cause a serious bite injury. Dogs can be aggressive for all sorts of reasons. A dog that's bitten once can bite again, and a dog that's never bitten could still bite.

Don't rely on breed stereotypes to keep yourself safe from dog bites. A dog's individual history and behavior are much more important than its breed, and since you don't always know a dog's history or behavior, it's not a good idea to make assumptions. Instead, concentrate on prevention: educate yourself, teach children about proper interactions and behaviors with dogs, and learn how to recognize risky and escalating situations with aggressive dogs. These steps -- not BSL -- will lead to fewer dog bites



NATIONAL ANIMAL  
CARE & CONTROL ASSOCIATION

*The National Animal Care & Control Association  
is committed to setting the standard of professionalism in animal welfare  
and public safety through training, networking, and advocacy.*

## **Extended Animal Care & Control Concerns – Dangerous/Vicious Animals**

### **Guideline Statement**

Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed.

### **Basis for Guideline**

Any animal may exhibit aggressive behavior regardless of breed. Accurately identifying a specific animal's lineage for prosecution purposes may be extremely difficult. Additionally, breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility.

### **Guideline Recommendation**

An animal care and control agency is encouraged to have a dangerous/vicious dog ordinance. Mandatory micro-chipping for identification purposes should be a part of the ordinances.

Animal care and control agencies should encourage enactment and stringent enforcement of dangerous/vicious dog laws. When applicable, the agencies should not hesitate to prosecute owners for murder, manslaughter, or similar violations resulting from their animal's actions, and their owner's lack of responsibility. Laws should clearly define "dangerous" or "vicious", and provide for established penalties. Penalties may include fines, imprisonment, and/or the relinquishing of total privileges to pet ownership.

If a dangerous/vicious animal is allowed to be kept, laws should specify methods of secure confinement and control. A dangerous/vicious animal when kept outside should be confined in an escape-proof enclosure which is locked and secured on all six sides. Signs should be posted at property entrances and be visible from the nearest sidewalk or street. The licensing record could include a notation which will immediately identify an animal which has been deemed dangerous or vicious. Records should be kept on all dogs deemed dangerous/vicious. These records can include but not limited to: owner information, animal information, offense information and a recent picture of the animal.

***The aforementioned Guideline has been affirmed as duly adopted by the NACA Board of Directors on September 03, 2014.***

George W. Harding, IV MBA CAWA  
Executive Director  
National Animal Care & Control Association

**AMERICAN BAR ASSOCIATION**

**TORT TRIAL AND INSURANCE PRACTICE SECTION  
COMMISSION ON DISABILITY RIGHTS  
SAN DIEGO COUNTY BAR ASSOCIATION**

**REPORT TO THE HOUSE OF DELEGATES**

**RESOLUTION**

- 1 RESOLVED, That the American Bar Association urges all state, territorial, and local legislative
- 2 bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless
- 3 owner laws that ensure due process protections for owners, encourage responsible pet ownership
- 4 and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory
- 5 or breed specific provisions.

## REPORT

### Introduction and Current Legal Landscape

Breed-discriminatory measures, sometimes referred to as breed-specific measures, distinguish dogs of one or more specific breeds, along with dogs presumed to mixes of those breeds, as inherently dangerous because of the dog’s physical appearance. Often these provisions will describe the most common physical characteristics of the breed, or they will refer to the American Kennel Club or United Kennel Club’s description. Dogs within the community are judged by these physical characteristics. If a certain number of features are present in a particular dog, the dog is presumed to be a member of the breed or, in the case of mixed-breed dogs, of that breed’s heritage and is classified as dangerous per se. The consequences of this classification vary greatly. Some laws ban the ownership, keeping or harboring of dogs of certain breeds or appearance, other laws place onerous restrictions on the dogs and their owners. These restrictions can include requiring sterilization, micro-chipping, prescribed enclosures, muzzling, special leashes, specific collars, detailed signage, training and a minimum age of the person who can walk the dog. The dogs affected by these laws have not actually shown dangerous behaviors; the dogs just appear to be of a certain breed or heritage.

Breed-discriminatory laws occasionally are proposed and sometimes passed by local governments. These proposals usually come after a well-publicized and emotional dog bite incident within or near the local community and are best described as “panic policymaking.”<sup>1</sup> Because these laws are enacted out of emotion, lawmakers often fail to consider the effects of provisions that impact the property rights of responsible dog owners and can involve the seizing and destroying of property (family pets) simply because their dog is of the targeted breed, heritage, or appearance.

Currently twelve states avoid panic policymaking by prohibiting breed discriminatory measures.<sup>2</sup> Only one state, Ohio, previously defined one or more breeds of dogs as “vicious.”<sup>3</sup> In February 2012, the State of Ohio enacted legislation that repealed that designation and establishing a generic dangerous dog law based on behavior. In addition, many national public health and animal welfare organizations publicly oppose breed-discriminatory legislation, including the American Humane Association,<sup>4</sup> American Kennel Club,<sup>5</sup> American Society for the Prevention

<sup>1</sup> Susan Hunter and Richard A. Brisbin, Jr., *Panic Policy Making: Canine Breed Bans in Canada and the United States*, 1, Prepared for delivery at the 2007 Annual Meeting of the Western Political Science Association (2007).

<sup>2</sup>CAL. AGRIC. CODE §31683 (West 2009) (provided, however, that California law does allow local authorities to enact breed specific ordinances pertaining only to mandatory spay or neuter programs under certain circumstances – CAL. HEALTH & SAFETY CODE §§ 122330 and 122331); COLO.REV. STAT. ANN. §18-9-204.5(5)(b) (West 2009); FLA.STAT. ANN. §767.14 (West 2009); 510 ILL. COMP. STAT. 5/24 (2009); MINN. STAT. ANN. §347.51 (West 2009); N.J. STAT. ANN. § 4:19-36 (West 2009); N.Y. AGRIC. & MKTS.LAW §107(5) (McKinney 2009); OKLA.STAT. ANN. tit.4, §46(B) (West 2009); PA. CONS. STAT. ANN. § 459-507-A(c) (West 2009); TEX.HEALTH & SAFETY CODE ANN. § 822.047 (Vernon 2009); VA.CODE ANN. §3.2-6540(C) (West 2009).

<sup>3</sup>OHIO REV. CODE ANN. § 955.11 (A)(4)(a)(iii) (West 2010) (providing that a dog is vicious if it “[b]elongs to a breed that is commonly known as a pit bull dog”).

<sup>4</sup>American Humane Association, Animal Protection Position Statements 9 (2009), <http://www.americanhumane.org/assets/pdfs/animals/au-animal-welfare-position-statements.pdf> (last visited July 26, 2011) (“American Humane opposes legislation that seeks to ban a particular breed of dog. Such laws provide a false sense of security as all dogs, when improperly treated or trained, can present a risk to public health.”)

of Cruelty to Animals,<sup>6</sup> American Veterinary Medical Association,<sup>7</sup> Association of Pet Dog Trainers,<sup>8</sup> Best Friends Animal Society,<sup>9</sup> the Humane Society of the United States<sup>10</sup> and the National Animal Control Association,<sup>11</sup> or promote breed-neutral approaches to reducing dog bites like the Centers for Disease Control.<sup>12</sup>

Public safety and property rights are safeguarded when governmental entities target a specific dog or dog owner's behavior, not appearance.

## Due Process

A primary reason this recommendation calls for the repeal of breed-discriminatory laws is that such laws are inconsistent with traditional notions of due process. Fundamental principles of due process require that laws provide adequate notice to the public and to the officers charged with their enforcement in order to prevent arbitrary and discriminatory application of the law. Breed discriminatory legislation often vaguely define the targeted breed. For example, the recently revised Ohio statute previously defined a vicious dog as a dog that “belongs to a breed that is commonly known as a pit bull dog.”<sup>13</sup> This type of definition raises serious problems for owners

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<sup>5</sup>American Kennel Club, Canine Legislation Position Statements 7 (2008), [http://www.akc.org/pdfs/canine\\_legislation/PBLEG2.pdf](http://www.akc.org/pdfs/canine_legislation/PBLEG2.pdf) (last visited July 26, 2011) (“The American Kennel Club strongly opposes any legislation that determines a dog to be ‘dangerous’ based on specific breeds or phenotypic classes of dogs.”)

<sup>6</sup>American Society for the Prevention of Cruelty to Animals – Position Statement on Breed-Specific Legislation, <http://www.asPCA.org/about-us/policy-positions/breed-specific-legislation-1.aspx> (last visited July 26, 2011).

<sup>7</sup>American Veterinary Medical Association, Dangerous Animal Legislation [http://www.avma.org/issues/policy/dangerous\\_animal\\_legislation.asp](http://www.avma.org/issues/policy/dangerous_animal_legislation.asp) (last visited July 26, 2011) (“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.”)

<sup>8</sup>Association of Pet Dog Trainers, Breed Specific Legislation, Association of Pet Dog Trainers Position Statement, 2001, [http://www.apdt.com/about/ps/breed\\_specific\\_legis.aspx](http://www.apdt.com/about/ps/breed_specific_legis.aspx) (last visited July 26, 2011) (“The APDT opposes any law that deems a dog as dangerous or vicious based on appearance, breed or phenotype. Canine temperaments are widely varied, and behavior cannot be predicted by physical features such as head shape, coat length, muscle to bone ratio, etc. The only predictor of behavior is behavior.”)

<sup>9</sup>Best Friends Animal Society, Pit Bull Terrier Initiatives, <http://network.bestfriends.org/initiatives/pitbulls/default.aspx> (last visited July 26, 2011) (“Best Friends Animal Society is working throughout the country to help pit bulls, who are battling everything from a media-driven bad reputation to legislation designed to bring about their extinction. Best Friends hopes to end discrimination against all dogs. Dogs are individuals and should be treated as individuals.”)

<sup>10</sup>Humane Society of the United States, Dangerous Dogs and Breed Specific Legislation (2010), [http://www.humanesociety.org/animals/dogs/facts/statement\\_dangerous\\_dogs\\_breed\\_specific\\_legislation.html](http://www.humanesociety.org/animals/dogs/facts/statement_dangerous_dogs_breed_specific_legislation.html) (last visited July 26, 2011) (“The HSUS opposes legislation aimed at eradicating or strictly regulating dogs based solely on their breed for a number of reasons.”)

<sup>11</sup>National Animal Control Association, Extended Animal Control Concerns – Dangerous/Vicious Animals (2002), [http://www.nacenet.org/guidelines/Guidelines%20Dangerous\\_Vicious%20Animals.pdf](http://www.nacenet.org/guidelines/Guidelines%20Dangerous_Vicious%20Animals.pdf) (last visited July 26, 2011) (“Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed.”)

<sup>12</sup>The Centers for Disease Control, Injury Prevention and Control: Home & Recreational Safety, Dog Bite Fact Sheet (2008) <http://www.cdc.gov/HomeandRecreationalSafety/Dog-Bites/dogbite-factsheet.html> (last visited July 26, 2011) (“Many practical alternatives to breed-specific policies exist and hold promise for preventing dog bites.”)

<sup>13</sup>OHIO REV. CODE ANN. § 955.11 (A)(4)(a)(iii) (West 2010). Legislation was enacted in February 2012 that deleted the reference to pit bull dogs in the definition of “vicious” in Ohio law. Ohio state law is now breed neutral and

and enforcement authorities because there is no clear guidance as to which dogs fall into such category. The identifier "pit bull" does not refer to a single or recognized breed of dog. It covers a genetically diverse group of dogs, including, at minimum, American Pit Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers, and dogs presumed to be mixes of one or more of those breeds. It is a slang term used to describe an ever increasing group of dogs that fit an ever evolving set of physical characteristics. "Pit bull," as now employed by shelters, rescues, animal control agencies, politicians and municipalities, most often describes dogs of unknown origin.

Moreover, even if the breed is more specifically defined in the legislation, it is very difficult to determine the breed of a dog based on its appearance. As described in more detail below, even trained individuals often misidentify the breed of a dog. Since a pit bull type dog is not an official breed of dog but rather refers to a dog from a variety of official breeds and/or a dog that merely has certain physical characteristics of those breeds, the chance for error is greatly increased. The result is a vague standard that fails to provide adequate notice to owners that they may own such a dog. Moreover, the definition allows for far too much discretion by officials in identifying a dog as falling within the definition and results in the subjective and hence arbitrary enforcement of the law.<sup>14</sup> The definition's vagueness offends due process because a "vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with attendant dangers of arbitrary and discriminatory application." *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972) (footnote omitted).

## Economics

A second reason this recommendation calls for the repeal of breed-discriminatory laws and the implementation of strong, breed-neutral laws is because dangerous dog laws with breed discriminatory provisions are very expensive to enforce. In 1997, Prince George's County in Maryland enacted CB-104-1996, which banned pit bull terrier type dogs. In 2002, CR-68-2002 created the Vicious Animal Legislation Task Force to evaluate the effectiveness of existing legislation and administrative regulations concerning vicious animals and to advise the county on improvements and amendments to current policies or laws.<sup>15</sup> The task force found that the cost to the Animal Management Division for maintenance of pit bull terrier type dogs over a two-year period was approximately \$560,000. The task force concluded that the breed-discriminatory policy was inefficient, costly, difficult to enforce, subjective and questionable in results. It recommended repealing the breed-specific ban.<sup>16</sup>

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considers the behavior of the dog in determining whether a dog should be deemed dangerous or vicious. H.B. 14, 129<sup>th</sup> Gen. Assemb. (Ohio 2012).

<sup>14</sup>See *e.g.* American Dog Owners Assoc. v. City of Lynn, 533 N.E.2d 632 (Mass. 1989) (finding the law unconstitutional and stating that it "depends for enforcement on the subjective understanding of dog officers of the appearance of an ill-defined "breed," [and] leaves dog owners to guess at what conduct or dog "look" is prohibited . . . Such a law gives unleashed discretion to the dog officers charged with its enforcement, and clearly relies on their subjective speculation whether a dog's physical characteristics make it what is "commonly understood" to be a "Pit Bull.").

<sup>15</sup> Vicious Animal Legislation Task Force, REPORT OF THE VICIOUS ANIMAL LEGISLATION TASK FORCE 2 (2003) (Presented to Prince George's County Council, July 2003).

<sup>16</sup>*Id.* at 5.

Despite these findings, Prince George’s County has yet to repeal its breed ban. The county seizes and impounds more than 900 pet “pit bulls” per year. On average, more than 80 percent of the dogs impounded are maintained by the Animal Management Division throughout a lengthy hearing process and eventually euthanized, not because of any dangerous propensities, but solely because of their appearance.<sup>17</sup>

In 2009, Best Friends Animal Society commissioned a study entitled “The Fiscal Impact of Breed Discriminatory Legislation in the United States.”<sup>18</sup> The study estimates the number of canines in every community in the country based on federal government data. The model correlates a wide range of demographic and geographic variables, all of which are available at the community level, with known canine populations in thirteen jurisdictions utilizing non-linear programming techniques. In other words, the model minimizes the differences between actual and predicted canine populations in the control cities by estimating coefficients across a wide range of available data.

Using this model, the analysis determined that the number of dogs in a specific town is a function of the total number of households, total population, physical land area, the structural type of housing, the gender and ethnic mix of the community, the poverty rate, and the marriage rate.<sup>19</sup>

Once the total number of dogs is estimated, the number of pit bull terrier type dogs is calculated using national estimates of the number of dogs affected by the breed-discrimination legislation.<sup>20</sup> When the model was developed, it was estimated that there are 72,114,000 dogs in the United States, with an estimated 5,010,934 pit bull terrier type dogs.<sup>21</sup> Note that these are not genetic American Pit Bull Terriers, American Staffordshire Terriers or Staffordshire Bull Terriers, the breeds of dogs typically defined as “pit bulls,” but rather dogs that may be identified as pit bull terrier type dogs simply due to their size and shape, which are the dogs typically netted by breed-discriminatory laws.

According to the study, if the United States were to enact a breed-discriminatory law, it would cost \$459,138,163 to enforce annually.<sup>22</sup> The fiscal cost of a breed-discriminatory law in the District of Columbia alone would be \$965,990 annually.<sup>23</sup> The costs include those related to animal control and enforcement, kenneling and veterinary care, euthanasia and carcass disposal, litigation from residents appealing or contesting the law, and DNA testing. Other costs not included in this estimate may vary depending on current resources available to a specific community’s animal control program. They may include additional shelter veterinarians,

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<sup>17</sup>*Id.* at 6.

<sup>18</sup> John Dunham & Assoc., Inc., *The Fiscal Impact of Breed Discriminatory Laws in the United States*, May 13, 2009, <http://www.guerrillaeconomics.biz/bestfriends/best%20friends%20methodology%20and%20write%20up.pdf> (last visited Aug. 1, 2011).

<sup>19</sup>*Id.* at 4.

<sup>20</sup>*Id.* at 2. (This was an average of 6.9 percent, and was calculated from local and national statistics found on media reports, animal activist reports, federal government reports, and from dog-bite victims groups.)

<sup>21</sup>*Id.*

<sup>22</sup>*Id.*

<sup>23</sup> <http://www.guerrillaeconomics.biz/bestfriends/>(Select state; then “calculate.” The cost to other individual cities and counties can be determined online by using the study’s fiscal impact calculator).

increased enforcement staffing, and capital improvements associated with increased shelter space needed.

### **Efficacy**

This recommendation calls for the implementation of strong, breed-neutral laws because dangerous dog laws with breed-discriminatory provisions are ineffective at improving public safety. Several studies have been conducted on the topic of the impact and effectiveness of laws that regulate dogs based on breed or appearance instead of behavior. .

The United Kingdom banned “pit bulls” in 1991. One study examined the U.K.’s Dangerous Dog Act and concluded that the ban had no effect on stopping dog attacks.<sup>24</sup>

A more recent study compared dog bites reported to the public-health department of Aragon, Spain, for the five-year period before the 1999 implementation of the city’s Dangerous Dog Act and the five-year period after.<sup>25</sup> The Act targeted a variety of breeds. The allegedly dangerous breeds accounted for 2.4 percent of the dog bites before the breed-discriminatory law was introduced and 3.5 percent of the dog bites after the law was implemented. The authors state that the “results suggest that BSL was fundamentally flawed ... [and] not effective in protecting people from dog bites in a significant manner.”<sup>26</sup>

In 2007, the Netherlands repealed a “pit bull” ban that had been in place for 15 years because it had failed to reduce the incidence of dog bites.<sup>27</sup> As part of the evaluation that led to repeal, the government had commissioned a study of dog bites in the country. The authors had reported to the government a “mismatch between risk indices and the then-current legislation.” As opposed to regulating dogs on the basis of breed or appearance, the authors recommended “a better understanding of how to handle dogs.”<sup>28</sup>

A recent study published in the Journal of the American Veterinary Medical Association, employing the “number needed to treat” methodology relied upon in evidence-based medicine, proposes one possible explanation of the lack of public safety results. Based upon the authors’ analysis of dog-bite-injury data obtained from multiple jurisdictions across the US and estimates of the “breed” populations of the nation’s canines, the authors calculated that serious injury from

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<sup>24</sup> B. Klaassen, J.R. Buckley & A. Esmail, *Does the Dangerous Dog Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, 27(2) INJURY 89-91 (1996) (examining incidents seen at one urban accident and emergency department before the implementation of the act and again two years later).

<sup>25</sup> B. Rosado et al., *Spanish: Dangerous Animals Act: Effect of the Epidemiology of Dog Bites*, 2(5) JOURNAL OF VETERINARY BEHAVIOR 166-74 (2007).

<sup>26</sup> *Id.* at 172.

<sup>27</sup> Expatica.com, *Dutch Agriculture Minister Scraps Pit Bull Ban* (June 11, 2008) [http://www.expatica.com/nl/news/local\\_news/Dutch-Agriculture-Minister-scraps-pit-bull-ban.html](http://www.expatica.com/nl/news/local_news/Dutch-Agriculture-Minister-scraps-pit-bull-ban.html) (last visited July 24, 2011.)

<sup>28</sup> Cornelissen, J.M.R., Hopster, H., *Dog bites in The Netherlands: A Study Of Victims, Injuries, Circumstances And Aggressors to Support Evaluation of Breed Specific Legislation*, 186(3) THE VETERINARY JOURNAL 292-8 (2009).

dogs is so infrequent that authorities would have to remove approximately 100,000 dogs of a targeted group from a community in order to prevent one serious bite.<sup>29</sup>

These published studies are consistent with a 2009 article discussing the effect of the Denver, Colorado breed discriminatory law.<sup>30</sup> Twenty years after the ban was enacted, the director of Denver Animal Control admitted that he is unable to say with any certainty whether it has made Denver any safer. Labrador Retrievers – the most popular dog breed – are the most likely dog to bite in the Denver metropolitan area.<sup>31</sup>

As stated above, several agencies and organizations have published policies that disagree with the implementation of breed discriminatory provisions. The Centers for Disease Control (CDC) reached this conclusion after conducting a study of human fatalities resulting from dog bites. The CDC noted many other factors beyond a dog's breed may affect a dog's tendency toward aggression – such as reproductive status, heredity, sex, early experience, and socialization and training. Author Karen Delise, a leading authority on dog bite-related fatalities in the United States, distinguishes between what she describes as resident dogs--dogs whose owners maintain them exclusively on chains, in kennels, or in yards; and/or obtain them for negative functions (such as guarding, fighting, protection, and irresponsible breeding) and family dogs--dogs whose owners afford them opportunities to learn appropriate behavior and to interact with humans on a regular basis in positive and humane ways,<sup>32</sup> rather than on breed

A result analogous to Delise's was reported by a team of university ethologists in 1997. Their study demonstrated that family dogs who were bonded closely with human beings stay closer to their guardians and are likelier to look to them for clues to dealing with unfamiliar and problem-solving situations and dealing with unfamiliar situations than are dogs not comparably bonded with people.<sup>33</sup>

The National Animal Control Association (NACA) has also issued guidelines that disapprove of ordinances that classify dogs as dangerous solely because of their breed and appearance.<sup>34</sup> Instead, NACA advocates for stringent enforcement of dangerous dog laws that classify dogs as dangerous based on a dog's individual behavior.<sup>35</sup> One of the reasons they established this policy

<sup>29</sup>Patronek, G., Slater, M., Marder, A., *Use of a Number-Need-To-Ban Calculation to Illustrate Limitations of Breed-Specific Legislation in Decreasing the Risk Of Dog Bite-Related Injury*, 237(7) JOURNAL OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION 788 (October 1, 2010).

<sup>30</sup>Peter Marcus, *Do Dog Breed Bans Work?* DENVER DAILY NEWS, March 3, 2009 (on file with authors).

<sup>31</sup>Corona Research, *Dog Bites in Colorado: Report of Dog Bite Incidents Reported to Animal Control July 2007 - June 2008*, (2009), <http://www.livingsafelywithdogs.org/>; follow "Data on dog bites in Colorado: key findings and recommended action steps; full report," (last visited July 27, 2011).

<sup>32</sup>Karen Delise, *THE PIT BULL PLACEBO: THE MEDIA, MYTHS AND POLITICS OF CANINE AGGRESSION* 151, 168 (Anubis Publishing 2007).

<sup>33</sup>Topál, J., Miklósi, A., Csányi, V., *Dog-Human Relationship Affects Problem Solving Behavior in the Dog*, 10(4) ANTHROZOOS 214-224 (1997).

<sup>34</sup>National Animal Control Association, *Extended Animal Control Concerns – Dangerous/Vicious Animals* (2002), [http://www.nacenet.org/guidelines/Guidelines%20Dangerous\\_Vicious%20Animals.pdf](http://www.nacenet.org/guidelines/Guidelines%20Dangerous_Vicious%20Animals.pdf) (last visited July 26, 2011) (stating "[d]angerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed").

<sup>35</sup>*Id.*

was because dogs of all breeds are capable of being aggressive and dangerous.<sup>36</sup> Thus, focusing on just a single or a few breeds does not adequately protect the public and thus is not good legal policy.

### **Enforcement: Identifying dogs of unknown origin**

A significant percentage of the US dog population is of mixed breed and undocumented origin.<sup>37</sup> Attempts to name the breed or breeds in undocumented mixed-breed dogs has been shown to correlate extremely poorly with DNA breed analysis of the same dogs. In a recent study, adoption agency personnel were asked to identify the breed or breeds comprising mixed breed dogs whose origins they did not know. Their identifications were then compared with DNA breed analysis of the same dogs. In only 25% of the dogs was at least one of the breeds proposed by the adoption agency personnel detected as a predominant breed by DNA analysis. In 87.5% of the dogs, breeds were detected by DNA analysis that none of the adoption agency personnel named in their responses.<sup>38</sup>

The controlled-study result mirrors real-world outcomes. For example, in January of 2010, authorities in Brampton, Ontario seized two dogs, about whom there had been no complaint for running at large, aggression or biting, claiming that they satisfied the definition of “pit bull” as used in the Ontario breed-ban statute. The dogs were evaluated by an independent veterinarian who advised the city that the dogs did not satisfy the definition. After the dogs had been in the animal shelter for 97 days, they were released to their owners. According to the Brampton Guardian, the city expended approximately \$43,000 in the matter of these two dogs.<sup>39</sup>

### **Impact on Individuals**

This recommendation calls for the implementation of strong, breed neutral laws because breed-discriminatory laws not only infringe on property rights without demonstrated increase in public safety, but they also cause unintended hardship to responsible owners of dogs that happen to fall within the regulated breed. In a survey conducted by the American Pet Product Association, 70% of people considered their dog like a child or family member.<sup>40</sup> When a breed is banned, families are forced to choose between moving to another city or county, surrendering their

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<sup>36</sup>*Id.*

<sup>37</sup> Janis Bradley, THE RELEVANCE OF BREED IN SELECTING A COMPANION DOG 11 (National Canine Research Council 2011) (reporting a majority of dogs in the United States are likely of mixed breed); Sandy Robins, *First Mutt Census Reveals Strong Dog DNA Trends*, TODAY, April 4, 2011, available at [http://today.msnbc.msn.com/id/42380422/ns/today-today\\_pets\\_and\\_animals/t/first-mutt-census-reveals-strong-dog-dna-trends/#](http://today.msnbc.msn.com/id/42380422/ns/today-today_pets_and_animals/t/first-mutt-census-reveals-strong-dog-dna-trends/#) (last accessed Aug. 2, 2011) (reporting that more than half the dogs in the U.S. are mixed breed dogs).

<sup>38</sup> Victoria L. Voith, et al., *Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs*, 12 JOURNAL OF APPLIED ANIMAL WELFARE SCIENCE 253, 260 (2009) (suggesting with the discrepancy of opinion by shelters and identification by DNA, that it would be worthwhile to reevaluate the reliability of breed identification as well as the justification of current public and private policies pertaining to specific dog breeds).

<sup>39</sup> Pam Douglas, *Doggiegate Costs Thousands*, THE BRAMPTON GUARDIAN, July 24, 2010 available at <http://www.bramptonguardian.com/news/cityhall/article/852169--doggiegate-cost-thousands> (last accessed Aug. 2, 2011).

<sup>40</sup> AM. PET PRODS. ASS'N, 2009-2010 APPA NATIONAL PET OWNERS SURVEY 42 (2010).

family pet in order to comply with the law, or living in violation of the law. Dogs that are given up or seized under these laws are killed.

Some localities respond to this concern by enacting restrictions on the ownership of the breed rather than an all-out ban. However, complying with many of the restrictions typically included in these laws can be quite expensive, and thus the restrictions discriminate against economically disadvantaged dog owners. Veterinary services, including spaying, neutering, and micro-chipping can be costly. Building new fences to meet an enclosure requirement may also be beyond the financial capabilities of some responsible pet owners. These restrictions unfairly punish owners who are economically disadvantaged for whom the restrictions serve as a de-facto ban. Laws should not function to prevent economically disadvantaged individuals from owning pets.

Additionally, as society has become more mobile, these laws not only impact residents of the city with the breed-discriminatory law, but also residents of neighboring communities who pass through the city or travel to that city for their veterinarian, grooming establishment or boarding kennel. A very small minority of jurisdictions have included exceptions for individuals simply passing through the city, but this does not help consumers of businesses within that city. Most laws either are silent on the issue, which implies that those travelling through the jurisdiction would have to meet all requirements, and a few others require that owners obtain permits for any trip into or through the city with their dog. The burden on dog owners and commercial establishments within the city and surrounding areas can be immense.

The impact that these laws can have on individuals with disabilities, however, is particularly harsh. Many individuals with disabilities use service dogs to help them. Many breeds of dogs, as well as mixed breeds, work as service dogs. Training dogs to be service animals is very time consuming and expensive; thus, simply replacing a dog is not an option. Recent cases have highlighted the conflict between breed-discriminatory laws and protections for persons with disabilities. For example, a recent class action suit was brought in the United States District Court of Colorado against the cities of Denver and Aurora who both have breed bans against pit bull type dogs and made no exceptions for service dogs.<sup>41</sup> In its recently enacted guidelines interpreting the Americans with Disabilities Act (ADA)<sup>42</sup> the Department of Justice (“DOJ”) stated that it does not believe that it is either appropriate or consistent with the ADA to defer to local laws that prohibit certain breeds of dogs.<sup>43</sup> Such deference would have the effect of limiting the rights of persons with disabilities under the ADA who use certain service animals based on where they live rather than on whether the use of a particular animal poses a direct threat to the health and safety of others. According to the comments accompanying the new regulations,

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<sup>41</sup>Carlos Illescas, *Bans on Pit Bull Prompts Lawsuit*, THE DENVER POST, May 14, 2010, available at [http://www.denverpost.com/recommended/ci\\_15082662](http://www.denverpost.com/recommended/ci_15082662) (last accessed Aug. 2, 2011). See *Grider v. City and County of Denver*, 2011 WL 721279 (D. Colo. 2011) (discussing a case where individuals with disabilities using trained service animals subject to breed bans alleged violations of Title II of the ADA). The court in this case specifically did not rule on the validity of the jurisdictions’ ordinances but only considered whether the Plaintiffs in the case alleged facts sufficient to support the elements of the ADA claim. *Id.* at \*2.

<sup>42</sup>Nondiscrimination on the Basis of Disability in State and Local Government Services, 75 Fed. Reg. 56164, 56177 (Sept. 15, 2010) (codified at 28 C.F.R. Pts 35 and 36).

<sup>43</sup>*Id.* at 56194.

governmental entities have the ability to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal's actual behavior or history--not based on fears or generalizations about an entire breed or breeds of dogs.<sup>44</sup>

### **Alternative, More Effective Provisions**

Measures that protect the public from dogs that are actually dangerous have proven to increase public safety. Instead of discriminating against breeds of dogs, Calgary protects the public from all aggressive dogs, regardless of breed, through its Responsible Pet Ownership Bylaw. Pursuant to the city's bylaw, enforcement officers focus on public education and dole out stiff fines for irresponsible dog owners.<sup>45</sup> According to the Calgary Herald, aggressive dog attacks are at the lowest level they have been in 25 years, despite a steady population growth.<sup>46</sup>

Illinois is one of twelve states that prohibit breed discrimination. Following a series of dog-related incidents, including two that received prominent media attention, the state's General Assembly debated a flurry of breed-discriminatory bills.<sup>47</sup> Because of these highly publicized dog bite-related incidents, legislators introduced bills that would have restricted a variety of dog breeds. Rather than passing breed-discriminatory laws, the Illinois General Assembly eventually passed comprehensive generic public-safety measures that targeted reckless owners and aggressive dog behavior.

The first was the Ryan Armstrong Act,<sup>48</sup> which mandates the sterilization of any dog found to be dangerous or vicious by temperament and increases penalties for people who own dogs that are declared dangerous or vicious and later injure someone. Significantly, the Ryan Armstrong Act prohibits municipalities or political subdivisions from passing any ordinance or regulation that is specific to breed.

Another type of effective animal control law targets negligent or reckless owners. In 2007, St. Paul, Minnesota, passed an ordinance that addressed such reckless dog owners.<sup>49</sup> St. Paul pet owners cited more than once for abusing or neglecting an animal cannot legally own another pet

<sup>44</sup>*Id.*

<sup>45</sup>Calgary, Alta., Can., Bylaws23M2006, amended by 48M2008, 49M2008 (2008).

<sup>46</sup> Sean Myers, *Calgary Dog Attacks Fall to Lowest Level in 25 Years: City a Leader in Reducing Canine Problems, Says Top Bylaw Officer*, Calgary Herald, Feb. 21, 2009, at B2. (2009 Animal Statistics for Calgary, Alberta can be found here:

<http://content.calgary.ca/CCA/City+Hall/Business+Units/Animal+and+Bylaw+Services/Animal+Services/Statistics/Animal+Statistics.htm>(last visited Aug. 1, 2011)).

<sup>47</sup> Matt Wagner, *Mauled Kids Bright Outcry for Dog Laws with Teeth*, SPRINGFIELD NEWS-LEADER (Springfield, MO), Oct. 5, 2003 at 1B. In 2001, 7-year-old Ryan Armstrong was mauled by a stray dog in Chicago. Armstrong had gotten off his bike to pet some puppies and was confronted by a fully grown unsterilized male Rottweiler. When Armstrong attempted to pet the Rottweiler, the dog bit him, nearly severing his thumb from his hand. Ryan also was bit on his chest and arm before friends were able to chase the dog away. *Id.* See also Richard Roeper, *For Woman Who Loved Dogs, a Fitting Memorial*, CHICAGO SUN-TIMES, Jan. 21, 2003, at 11 (Anna Cieslewicz, a 48-year-old pediatric nurse, was attacked and killed by two unsterilized male dogs in the Dan Ryan Woods in Chicago.)

<sup>48</sup> Illinois Public Act 93-0548, Ch. 8 (Il. 2003).

<sup>49</sup> St. Paul, Minn., CODE OF ORDINANCES §200.02 (2009).

under the ordinance. Dog bites are down in St. Paul.<sup>50</sup> Similarly, Tacoma, Washington, enacted an ordinance regulating “problem pet owners.”<sup>51</sup> A person who commits three or more animal-control violations in a 24-month period can be declared a problem pet owner and forced to surrender all of his or her animals.

## Conclusion

The Tort Trial and Insurance Practice Section urges all state, territorial, and local legislative bodies and governmental agencies to enact comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both individual dog owner and dogs, and to repeal any breed-discriminatory/specific provisions.

Respectfully submitted,

Randy J. Aliment  
Chair, Tort Trial & Insurance Practice Section  
August 2012

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<sup>50</sup> Steve Brandt, *Dog Bites Are Down in Minneapolis and St. Paul*, STAR TRIBUNE(Minneapolis), June 1, 2009, available at <http://www.startribune.com/local/stpaul/46585887.html?page=1&c=7> (last accessed Aug. 2, 2011).

<sup>51</sup> Press Release, City of Tacoma, A Look at City of Tacoma News for the Week of Dec. 9, 2007, (Dec. 7, 2007) (on file with author) (discussing that members of the City Council to hear final reading of the ordinance that would set penalties and define owners who repeatedly violate animal control laws as “problem pet owners”).

GENERAL INFORMATION FORM

Submitting Entity: Tort Trial and Insurance Practice Section

Submitted By: Randy J. Aliment, Chair

1. Summary of Resolution(s).

This Resolution is intended to address issues arising from canine profiling.

2. Approval by Submitting Entity.

This Measure Was Approved by the Council of the Tort Trial and Insurance Practice Section on February 3, 2012.

3. Has this or a similar resolution been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

Not applicable.

5. What urgency exists which requires action at this meeting of the House?

Many cities and counties consider enacting or repealing breed discriminatory laws throughout the year. Ohio, the only state that had codified canine profiling, repealed that provision effective May 22, 2012.

6. Status of Legislation. (If applicable)

Not applicable.

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

If adopted, the Section plans to inform and educate judges and local jurisdictions about the Resolution and Report.

# 100

8. Cost to the Association. (Both direct and indirect costs)

None.

9. Disclosure of Interest. (If applicable)

Not applicable.

10. Referrals.

This Resolution with Report is referred to the Chairs and Staff Directors of all ABA Sections and Divisions.

11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

Elise A. "Ledy" VanKavage  
Chair, Animal Law Committee  
Senior Legislative Attorney  
Best Friends Animal Society  
PO Box 313  
Maryville, IL 62062  
Phone: 618-550-9469  
E-Mail: [ledyv@bestfriends.org](mailto:ledyv@bestfriends.org)

Kara Gilmore  
General Counsel  
National Canine Research Council  
433 Pugsley Hill road.  
Amenia, NY 12501  
Phone: 845-705-7880  
E-Mail: [kgilmore@ncrccouncil.com](mailto:kgilmore@ncrccouncil.com)

Rebecca Huss,  
Co-Chair, Subcommittee on Companion Animals for Animal Law Committee  
Professor of Law  
Valparaiso University School of Law  
656 S. Greenwich  
Valparaiso, IN 46383  
Phone: 219-465-7856  
E-Mail: [rebecca.huss@valpo.edu](mailto:rebecca.huss@valpo.edu)

Katie Bray Barnett  
Co-Chair, Subcommittee on Companion Animals for Animal Law Committee  
Program Analyst/Legislative Attorney  
5001 Angel Canyon Rd.  
Kanab, UT 84741  
435-689-0102  
E-Mail: [katieb@bestfriends.org](mailto:katieb@bestfriends.org)

12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

Timothy Bouch  
Leth Bouch & Seekings LLP  
92 Broad Street  
Charleston, SC 29401  
843-937-8811  
E-Mail: [tbouch@leathbouchlaw.com](mailto:tbouch@leathbouchlaw.com)  
Cell: 843-834-5571

Robert S Peck  
Center for Constitutional Litigation  
777 6<sup>th</sup> St. NW Ste. 520  
Washington, DC 20001  
202-644-2874  
E- Mail: [Robert.peck@cclfirm.com](mailto:Robert.peck@cclfirm.com)  
Cell: 202-277-6006

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Recommendation calls for state, territorial, and local legislative bodies and governmental agencies to enact comprehensive breed neutral dangerous dog laws based on behavior and to repeal any breed discriminatory provisions.

2. Summary of the Issue that the Resolution Addresses

The Resolution is intended to address problems that arise when dangerous dog laws do not meet due process requirements.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution sets forth actions that legislative bodies and governmental agencies can take to pass effective dangerous dog laws.

4. Summary of Minority Views or Opposition Which Have been Identified

Some political subdivisions have enacted breed discriminatory ordinances because they believe they can identify the heritage of a dog by physical characteristics and that the heritage of a dog controls the dog's behavior.

# HOW LONG BEFORE WE DISCARD VISUAL BREED IDENTIFICATION?

## A NEW SURVEY CONFIRMS THAT EVEN DOG EXPERTS CAN'T TELL JUST BY LOOKING.

In the 1960's, John Paul Scott and John L. Fuller showed that mixed breed dogs may bear little or no resemblance to their purebred ancestors.<sup>1</sup> In 2009, Dr. Victoria Voith and colleagues from Western University published a short report indicating a low agreement between the identification of breeds of dogs by adoption agencies and DNA identification of the same dogs.<sup>2</sup>

The Maddie's® Shelter Medicine Program at the University of Florida's College of Veterinary Medicine has also been looking systematically into the problem of visual breed identification of dogs of unknown origin. A survey conducted at four Florida animal shelters confirmed the unreliability of visual breed identification, thus calling into question yet again its use for dog adoption, lost and found, and regulation.<sup>3</sup>

The Maddie's® Shelter Medicine Program conducted a new and expanded survey during the summer of 2012.<sup>4</sup> An array of dog experts - breeders, trainers, groomers, veterinarians, shelter staff, rescuers and others - offered their best guesses as to the breeds in the dogs in a series of photographs. More than 5,000 completed the survey. Their visual assessments were then compared to DNA breed profiles of the dogs.

Each dog in the survey had at least 25% of a single breed in its DNA profile. A response was considered accurate if it named any of the breeds DNA analysis had detected in the dog, no matter how many other breeds had been detected, and whether or not the breed guessed was a predominant breed in the dog, or only had been detected in a trace amount. Since, in almost every dog multiple breeds had been detected, there were lots of opportunities to be correct.

(Pictures of the 100 dogs in the study, their actual DNA breed results, and what survey respondents guessed their breeds were are available at <http://sheltermedicine.vetmed.ufl.edu/library/research-studies/current-studies/dog-breeds/dna-results/>.)

Given the findings of Scott and Fuller, Dr. Victoria Voith, and the earlier Maddie's® Shelter Medicine Program survey, the results were unsurprising. The 5000+ responders were only correct - that is, named at least one of the breeds detected by DNA analysis - less than one-third of the time. And no profession did much better than any other. Every profession's responses, in total, were correct less than a third of the time.

In addition, from the variety of guesses associated with almost all of the dogs, it is clear that these experts did not agree with each other when they looked at the same dog.

To date, we are not aware of any survey or controlled study that has returned a result different from that obtained by Dr. Voith and the two surveys conducted by the University of Florida's College of Veterinary Medicine. Nor do we expect to. These results corroborate the work that Scott and Fuller published almost 50 years ago. They are in turn supported by the reports of geneticists that a remarkably small amount of genetic material exerts a remarkably large effect on the size, shape, etc. of a dog.<sup>5</sup>

These uncontroverted reports argue that it is long past time for dog experts to accept the inescapable limitations of visual breed identification of mixed breed dogs of unknown origin. One step in the right direction is a new report by two veterinarians and an attorney that has appeared in the *Journal of the American Veterinary Medical Association*. These authors recommend that veterinarians will better serve their clients and their clients' pets if they describe these mixed-breed dogs without assigning a breed, adopting a "single non-breed based term to describe all dogs of unknown parentage."<sup>6</sup>



### Dog 57

25% Beauceron  
25% Siberian Husky  
25% American Staffordshire  
Terrier  
12.73% Schipperke

### Top Responses

Labrador Retriever  
German Shepherd Dog  
No Predominant Breed  
Golden Retriever  
Anatolian Shepherd Dog

*One of the 100 dogs in the study, with corresponding DNA results and guesses of survey respondents.*

This sound advice for veterinarians is also applicable to animal sheltering, animal control, and public policy. We have placed an entirely unwarranted confidence in shelter intake data, adoption policy and practices, dog bite studies, bite reports and news accounts that either presume to predict a dog's future behavior based on breed, or to relate incidents to breed. Visual breed identification did not only become inaccurate as a result of the surveys mentioned above, or even when Scott and Fuller published *Genetics and the Social Behavior of the Dog* back in 1965. Rather, these findings call our attention to what has always been the case.

What Dr. Voith pointed out to the American Veterinary Medical Association in 2009 bears repeating:

"The discrepancy between breed identifications based on opinion and DNA analysis, as well as concerns about reliability of data collected based on media reports, draws into question the validity and enforcement of public and private policies pertaining to dog breeds."<sup>7</sup>

Updated November 7, 2012

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# Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability

Victoria L. Voith<sup>1,\*</sup>, Rosalie Trevejo<sup>2</sup>, Seana Dowling-Guyer<sup>3</sup>, Colette Chadik<sup>1</sup>, Amy Marder<sup>3</sup>,  
Vanessa Johnson<sup>1</sup>, Kristopher Irizarry<sup>1</sup>

<sup>1</sup>College of Veterinary Medicine, Western University of Health Sciences, Pomona, 91766, United States of America

<sup>2</sup>Oregon State University, Beaverton, 97006, United States of America

<sup>3</sup>Center for Shelter Dogs, Animal Rescue League of Boston, Boston, 02116, United States of America

**Abstract** Until the recent advent of DNA analysis of breed composition, identification of dogs of unknown parentage was done visually, and visual identification is still the most common method of breed identification. We were interested in how often visual identification of dogs by people, assumed to be knowledgeable about dogs, matched DNA breed identification and how often these people agreed with each other (inter-observer reliability). Over 900 participants who engaged in dog related professions and activities viewed one-minute, color video-clips of 20 dogs of unknown parentage and were asked to identify the dogs' predominant breeds. For 14 of the dogs, fewer than 50% of the respondents visually identified breeds of dogs that matched DNA identification. Agreement among respondents was also very poor. Krippendorff's alpha was used to examine the reliability of the most predominant breed (selected across all dogs identified as mixed breeds) for all respondents, yielding alpha=0.23. For only 7 of the 20 dogs was there agreement among more than 50% of the respondents regarding the most predominant breed of a mixed breed and in 3 of these cases the most commonly agreed upon visual identification was not identified by DNA analysis.

**Keywords** Inter-observer Reliability of Dog Breed Identification, Visual and DNA Identification of Mixed Breed Dogs

## 1. Introduction

The breed by which a dog is identified has important implications and ramifications. Breed identification is used in public health journals, veterinary medical records, lost and found notices, licensing documents and animal shelter descriptions. How a dog is identified also influences how people interpret a dog's behavior. World-wide, public and private regulations and restrictions have been enacted that regulate dog ownership, euthanasia, availability of liability insurance, and access to housing. These rules may specify specific breeds, mixes of these breeds, or any dog that resembles these breeds. We were interested in how often visual identification of dogs by people assumed to be knowledgeable about dogs matched DNA breed identification, and how often these people agreed with each other (inter-observer reliability).

Estimates of the prevalence of specific breeds of dogs that engage in injurious behaviors appear in numerous published articles related to public health, canine behavior, and veterinary medicine. Data concerning dog breeds,

particularly pertaining to human injuries, are frequently tabulated from newspaper accounts or retrospective reviews of hospital and animal control records [1-10]. Sometimes dogs in these reports are identified by owners according to what they believe is the most predominant breed of their dog [4],[6],[9] or from information entered in veterinary medical records based on the staffs' assessments [9],[11]. Generally, published reports supply no data on who identified the dogs' breeds [12]. Adding to the confusion, data are often published in a manner that combines dogs identified as purebreds with purebred crosses, e.g. the German Shepherd Dog and German Shepherd cross would be depicted as German Shepherds [4],[7]; all dogs identified as pit bull breeds and pit bull hybrids would be categorized as a pit bull [10]. Although such publications may include cautionary statements that the breed identifications were unverified, potentially inaccurate, and that data on the numbers and breeds of dogs in the source population were unknown [3-7], breed frequencies are still included in the publications.

With the intention of providing public safety, regional and national governments have attempted to regulate dog ownership, how a dog is maintained, and impose euthanasia policies based on the perceived breed composition of a dog, be it a purebred or mixed breed [12-20]. Insurance premiums and housing restrictions are also based on a dog's

\* Corresponding author:

vvoith@westernu.edu (Victoria L. Voith)

Published online at <http://journal.sapub.org/sociology>

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breed composition[8],[19],[20]. Until the recent advent of DNA analysis of breed composition[21-25] identification of dogs of unknown parentage was done visually, and visual identification is still the most common method of breed identification, even by law enforcement, animal care and control agencies, and veterinarians[19],[20],[26]. As examples, see the animal control ordinances of Prince George's County Maryland, Denver Colorado, and Victoria, Melbourne Australia[27-29].

Our personal observations of discrepancies among people who attempt to visually identify the breed composition of dogs prompted this study. We were interested in how often visual identification by people assumed to be knowledgeable about dogs was in agreement with DNA identification, and how often people agreed with each other (inter-observer reliability). We felt this was important because of the potential ramifications of misclassification of dog breeds in published databases which drive public and private policies as well as people's perceptions of the behavior of individual dogs.

People who engage in professions or services that involve dogs are one source of identification of dogs of unknown parentage. They are in a position to provide their opinion to owners about the possible breed or predominant breed of their dogs. They may also directly assign a breed identity to dogs and enter their opinions on office forms and/or records. Either way, these identifications have the potential to be entered into national databases which are used for prevalence statistics on dogs' breeds.

## 2. Methods

The protocol for the study was approved by the Institutional Review Board and Institutional Animal Care and Use Committee of the Western University of Health Sciences, Pomona California.

### 2.1. Source of Participants

The participants were recruited by contacting organizations involved in dog-related activities, such as veterinary medical groups, animal control/sheltering agencies, dog clubs, and regional and national conferences related to veterinary medicine and dog-related activities. Permission was requested to administer an anonymous, voluntary, dog breed identification quiz and survey (collectively referred to as the questionnaire), followed by an educational presentation. It was asked that the participants be at least 18 years old and able to understand and write English. At the time of the presentations, the participants were also informed that participation was anonymous, voluntary, could be discontinued at any time and that their responses were part of a research project. These sessions were administered in person, by either the Principle Investigator or a trained research assistant, at 30 locations in the following states: Arizona, California, Colorado, Louisiana, Massachusetts, Missouri, Ohio, Tennessee, Texas, Utah, and Washington.

Many of these sites were at regional or national meetings with participants from several states.

### 2.2. Source of Dogs

Twenty privately-owned dogs of unknown parentage were selected for the study from a pool of dogs that had been volunteered by their owners to participate in dog breed identification studies[26]. Forty of 50 volunteered dogs met the entrance criteria of being mature enough to have fully erupted canine teeth, having been obtained from a shelter, rescue, animal control or similar adoption agency, and being available on a specific day to be videotaped and have blood drawn. The 40 dogs were assigned to one of 4 weight ranges:  $\leq 20$  lbs. (9.07 kg), 21-40 lbs. (9.52-18.14 kg), 41-60 lbs.(18.60- 27.22 kg), and  $> 60$  lbs. (27.22 kg). Five dogs were randomly selected from each weight range and entered into the study. The study dogs included 7 castrated males, 12 spayed females and 1 intact female. They had been adopted from 17 different locations in North America but currently residing in Southern California. Figure 1 depicts each study dog against a white screen with a black-lined grid of one-foot squares. The pictures are freeze frames from the videotapes that were shown to the participants. Detailed descriptions of each dog are provided Table 1.

### 2.3. DNA Analysis

Two ml samples of heparinized blood from each dog were immediately refrigerated and sent on the same day on cold packs by overnight shipment to MARS VETERINARY™ Lincoln, Nebraska for DNA analysis. There were 130 American Kennel Club (AKC) registered purebreds in their database and the laboratory reported "an average of 84% accuracy in the first-generation crossbred dogs of known parentage"[22],[23]. Contributions of ancestral breeds less than 12.5% were not reported. The laboratory had in their database the AKC breed American Staffordshire Terrier but not any breeds identified as Pit Bull or American Pit Bull Terrier. Because of the common ancestry, historical reciprocal registrations, and similar morphology, we used visual identifications of American Staffordshire Terrier, Pit Bull, and American Pit Bull Terrier as matches to the DNA identification of American Staffordshire Terrier. For several years, the American Kennel Club (AKC) allowed dogs to be registered as Staffordshire Terriers (later changing the name to American Staffordshire Terrier) if the dogs were already registered as American Pit Bull Terriers in the United Kennel Club (UKC) or American Dog Breeders Association (ADBA) registries. Until 2010, the UKC permitted registration of AKC and ADBA dogs as American Pit Bull Terriers. AKC registered American Staffordshire Terriers are still allowed to be registered as American Pit Bull Terriers in the ADBA[30-33]. We are not, however, suggesting that they are identical.

For each dog, the breeds identified by DNA were classified as Major or Minor based on the relative

percentage of the breed represented in that dog. Breeds reported at the highest percentage of DNA in a dog were classified as Major; breeds reported at lower percentages in that dog were classified as Minor. A dog could have more than one Major DNA breed identification, e.g., three breeds each represented at 25%. If only one breed was detected in a dog by DNA analysis, that breed was considered the Major breed, even if it was only 12.5% of the dog's composition. Results of the DNA analyses of breed identification of each dog are in Table 1. None of the dogs were reported to be purebreds by DNA analysis.

**2.4. Administration of Study Questionnaire**

Administration of the questionnaire and following educational program took about 55 minutes. The participants were shown one minute, color video-clips of each of the 20 dogs which were allowed to move about in front of a white screen with a black-lined grid of one-foot squares. Full bilateral and frontal views and a close up of the head were depicted. The participants were told the age, weight, and sex of each dog as they viewed the videos. After each video-clip, the respondents were given as much time as they requested to write in their answers. The video-clips were not re-shown. The respondents were required to generate their answers. They did not have access to resource materials and were asked not to solicit breed identifications from each other. In our experience, most dogs are often visually identified quickly as either a single breed or a single breed mix, generally without consulting resources. The video-clips were always shown the same

order (Dog 1-20) which was the order that the owners, at their convenience, had brought their dogs to be videotaped.

**2.5. The Survey and Quiz Questions**

Participants were asked to indicate: their current and past professional activities; if they now or ever have been asked what breed a dog appears to be; if their opinions have ever been used to assign possible breed identities for the purpose of records (e.g. shelters, medical, licensing, other businesses); and personal descriptive questions such as their age and sex, how many dogs they have, and if they have ever competed in any dog related activities, such as showing, agility, hunting, etc.

*For each dog, the respondents were asked:*

*-“Do you think this dog is probably a purebred?”*

YES  NO

*-“If YES, (you think this IS probably a purebred)*

*What breed do you think it is?”*

*-“If NO, (you do NOT think this a purebred)*

*What do you think is the most predominant breed?”*

*-“What do you think is the second most predominant breed. (If you are unable to determine a second breed, write “Mix” here. Otherwise, name a breed.)”*

In this article, identification as “not a purebred” is used synonymously with “mixed-breed”. The answer to the most predominant breed of a Mixed Breed is referred to as the Primary Visual Identification (PVI) and an answer to the second most predominant breed is referred to as the Secondary Visual Identification (SVI).



**Figure 1.** Pictures of the 20 study dogs against a backdrop of 1 foot square grid of 1 foot squares

**Table 1.** Descriptions of the 20 Study Dogs and Percent of Major and Minor Breeds Identified by DNA Analysis

Dog ID	Sex	Approximate Age	Weight – lbs. (kg)	Major Breeds Identified by DNA	Minor Breeds Identified by DNA
1	FS	3 Years	51 (23.1)	American Staffordshire Terrier**; Saint Bernard**	Chinese Shar-Pei*
2	FS	9 Years	31 (14.1)	American Eskimo Dog**; Golden Retriever**; Nova Scotia Duck-Tolling Retriever**; Rottweiler**	
3	MC	5 Years	60 (14.1)	English Springer Spaniel**; German Wirehaired Pointer**	
4	MC	2.5 Years	26 (11.8)	Lhasa Apso**	Australian Cattle Dog*; Bischon Frise*; Italian Greyhound*; Pekingese*; Shih Tzu*
5	FS	12 Years	51 (23.1)	Australian Shepherd Dog*; Chow Chow*; Dalmatian*; German Shepherd*; Siberian Husky*	
6	FS	5 Years	54 (24.5)	Chow Chow*; Dachshund*; Nova Scotia Duck-Tolling Retriever*	
7	MC	10 Months	15 (6.8)	American Water Spaniel*; Black Russian Terrier*; Pomeranian*; Shih Tzu*; Tibetan Terrier*	
8	FS	2 Years	41 (18.6)	Chow Chow**; French Bull Dog**	Clumber Spaniel* Dalmatian* ; Gordon Setter* ; Great Dane*
9	FS	7 Years	66 (30)	Dalmatian**	Boxer* ; Chow Chow* ; Newfoundland*
10	MC	5.5 Years	10 (4.5)	Australian Shepherd Dog**; Pekingese**	
11	MC	3 Years	62 (28.1)	American Staffordshire Terrier**; German Shepherd Dog**	Bull Terrier* Chow Chow*
12	FS	1.5 Years	52 (23.6)	Australian Shepherd Dog*; Boxer*; Dachshund*; Dalmatian*; Glen of Imaal Terrier*	
13	MC	3.5 Years	79 (35.8)	Alaskan Malamute*	
14	FS	3.5 Years	74 (33.6)	German Shepherd Dog**; Standard Schnauzer**	English Setter*
15	FS	7 Years	70 (31.8)	Chow Chow*; Golden Retriever*; Gordon Setter*; Saint Bernard*	
16	F	5.5 Months	20 (9.1)	Australian Shepherd Dog*; Boxer*; Golden Retriever*	
17	FS	2 Years	18 (8.2)	Cavalier King Charles Spaniel*; Chihuahua*; Shih Tzu*	
18	FS	10 Months	13 (5.9)	Miniature Pinscher***;	Dachshund*
19	FS	12 Years	36 (16.3)	Border Collie**	Basset Hound* ; Cocker Spaniel*
20	MC	6 Years	21 (9.5)	Shih Tzu**	Cocker Spaniel* ; Miniature Schnauzer* ; Pekingese*

Percent of breed composition detected by DNA: \*12.5%; \*\*25%; \*\*\* 50%. FS, female spay; MC, male castrate; FI, female intact.

Dogs of unknown parentage are generally designated by only one breed, e.g., Chow mix, German Shepherd mix[26]. We believe that when a dog is so identified, the assumption is that the named breed is the most predominant breed in the dog's ancestry. Therefore, we wanted to know how often our respondents' visual identification of the most predominant breed matched breeds identified at the highest percentage by DNA analysis. Secondly, we were interested in whether or not a breed visually identified as the most predominant matched any breed identified by DNA, regardless of the percentage of DNA composition. And thirdly, we examined whether any visual identification, either the first or second breed identified, matched any percentage of DNA breed identified.

### 3. Results

Nine hundred eighty six people completed all or part of a questionnaire. The questionnaires of 63 respondents were excluded from analysis for the following reasons: did not answer or answered "No" to the question "Are you now, or

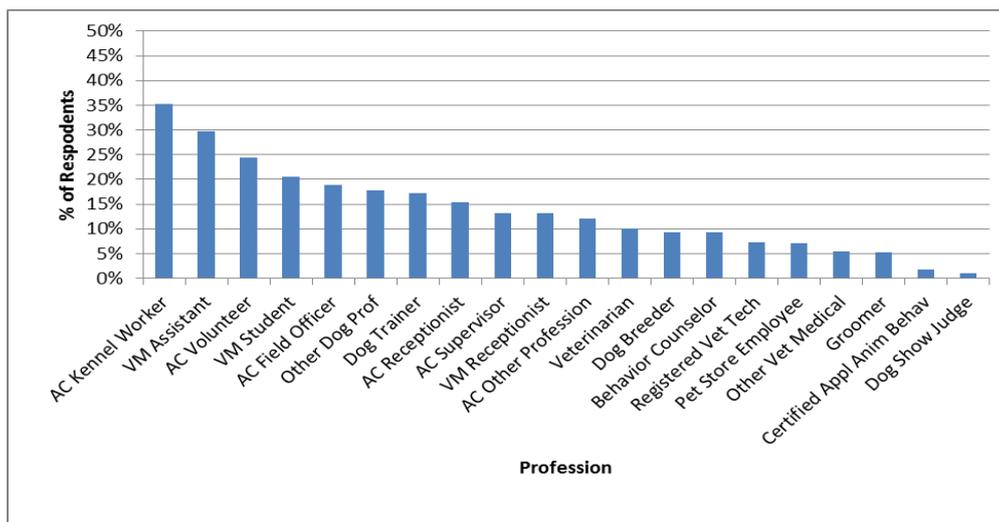
have you ever been asked what breed a dog appears to be."; did not provide any information regarding their professions; or indicated they were less than 18 years old. Respondents were asked to indicate on the questionnaire if a specific dog was theirs or if they knew a dog's DNA composition; data pertaining to these dogs were not included in the study, although data provided by the respondent pertaining to other dogs were included. All responses pertaining to a specific dog were tabulated, unless the answer was illegible.

#### 3.1. Profile of Respondents

Most respondents indicated involvement in more than one dog-related profession/service, either sequentially or simultaneously. The majority of respondents were or had been in animal control/sheltering and/or veterinary medical fields, see Figure 2.

People in animal control and veterinary medical fields were significantly more likely to have their opinions of a dog's breed used for record keeping purposes than not have their opinions so used ( $p < 0.001$ ). Volunteers, veterinary medical students, and behavior counselors were significantly

less likely to assign breed identities for record keeping (p= 0.002) rather than have their opinions used for record keeping. See Table 2.



Most respondents engaged in multiple occupations, either sequentially or simultaneously, therefore the cumulative percent is over 100 %. AC, Animal care and control or similar agency; VM, Veterinary Medical; Vet Tech, Veterinary Technician; Certified Appl Anim Behav, Certified Applied Animal Behaviorist

Figure 2. Percent of 923 respondents engaged in each profession/service activity

Table 2. Comparison of Percent of Respondents That Assigned and Did Not Assign Breed Identities for Record Keeping Purposes Within Each Profession/Service

Current or Past Profession	All Respondents	GROUP A Opinions Used to Assign Breed Identities in Records	GROUP B Opinions NOT used to Assign Breed Identities in Records	Chi-Square* (comparing Group A to B)	p
Kennel Worker	35.2%	40.7%	17.6%	39.295**	<0.001
Supervisor	13.2%	16.7%	2.3%	30.403**	<0.001
Field Officer	19.0%	24.1%	2.7%	49.907**	<0.001
Receptionist/Office Assistant (Animal Care)	15.4%	18.2%	6.3%	18.281**	<0.001
Volunteer	24.5%	22.1%	32.1%	9.176**	0.002
Other Animal Care	12.1%	14.1%	5.9%	10.653**	0.001
Veterinarian	10.1%	11.3%	6.3%	4.488**	0.034
Receptionist/Office Assistant (Vet Office)	13.2%	13.7%	11.8%	0.535	0.465
Registered Veterinary Technician (RVT)	7.3%	9.1%	1.4%	15.033**	<0.001
Veterinary Assistant	29.7%	31.2%	24.9%	3.206	0.073
Veterinary Student	20.6%	18.2%	28.1%	9.916**	0.002
Other Vet Medical	5.5%	5.1%	6.8%	0.886	0.346
Trainer	17.2%	17.0%	18.1%	0.155	0.693
Groomer	5.3%	5.3%	5.4%	0.008	0.927
Pet Store Employee	7.2%	7.7%	5.4%	1.296	0.255
Behavior Counselor	9.2%	10.8%	4.1%	9.170**	0.002
Certified Applied Animal Behaviorist	1.7%	1.7%	1.8%	0.01	0.920
Dog Show Judge	1.1%	1.0%	1.4%	0.204	0.652
Dog Breeder	9.3%	7.4%	15.4%	12.659**	<0.001
Other Dog-Related Profession	17.8%	16.5%	21.7%	3.105	0.078
Total Sample Size	923	702	221		

Notes: \*statistical tests in this table compare the percentage of respondents selecting a profession as a current or past profession (shown) to those that did not (not shown) by respondent segment. \*\*significant at the p=0.05 level

Chi-Square tests, adjusted for all pairwise comparisons using the Bonferroni correction, were used to compare two segments of the respondents: Group A (n=702) those whose opinions, currently or in the past, were used for record keeping purposes (documentation) and Group B (n=221) those whose opinions were not so used. There were no significant statistical differences between Groups A and B regarding: the respondents' gender, if they participated in other dog related activities (such as dog shows, agility, hunting, etc.), or if they lived with or owned dogs ( $p>0.05$ ). A t-test indicated no significant difference regarding age. See appendix for comparisons of participants' personal demographics.

### 3.2. Comparison of Visual Identification and DNA Breed Identification

The DNA analysis indicated none of the dogs were purebreds and most respondents identified the study dogs as mixed breeds. See Table 3. However, 7 of the 20 dogs were visually identified as probably purebreds by ten percent or more (range 10% - 25.4%) of the respondents. An average of 9.2 % (1701/18408) of the responses were "yes" to the question "Do you think this dog is probably a purebred?"

A positive match between visual and DNA identification occurred if (1) the respondent indicated that the dog was not a purebred and (2) also specified a breed identified by DNA. The following were NOT considered matched responses:

if the dog was visually identified as a purebred (even if the breed identified was one identified as part of the dog's composition by DNA analysis) OR if the dog was visually identified as not a purebred but identified as breed that was not reported by DNA analysis.

For each dog, the percent of respondents whose visual identification matched the DNA identification was calculated by dividing the number of matched responses for a dog (numerator) by the sum of matched and unmatched responses (denominator). For each dog, we looked at how often visual and DNA identification matched at the three progressively less stringent levels:

- Level 1: Respondent indicated that the dog was NOT a Purebred AND the most predominant breed (Primary Visual Identification/ PVI) matched at least one of the Major DNA Identifications for that dog.

- Level 2: Respondent indicated that the dog was NOT a Purebred AND the PVI matched any DNA Identification (Major or Minor) of that dog.

- Level 3: Respondent indicated that the dog was NOT a Purebred AND EITHER PVI or SVI (second most predominant breed) visual identification matched any DNA Identification of that dog.

There were few significant statistical differences between those who had their opinions used for record keeping purposes (Group A) and those who did not have their opinions so used (Group B) regarding the frequency with which visual and DNA identification matching occurred at

any of the 3 levels of matching stringency. See appendix for comparisons of the two groups at the 3 levels of matching stringency. We concluded the few differences between groups A and B to be of no practical significance and combined the groups for subsequent analysis.

**Table 3.** Number and Percent of Respondents That Answered "Yes," They Thought the Dog was a Purebred

Dog ID	Yes/Total	Percent
1	18/918	2.0%
2	63/917	6.9%
3	92/917	10.0%
4	17/919	1.8%
5	120/920	13.0%
6	36/920	3.9%
7	79/919	8.6%
8	75/922	8.1%
9	234/921	25.4%
10	134/919	14.6%
11	116/922	12.6%
12	81/922	8.8%
13	71/921	7.7%
14	36/922	3.9%
15	59/921	6.4%
16	32/922	3.5%
17	48/921	5.2%
18	172/922	18.7%
19	25/919	2.7%
20	193/919	21.0%
Overall	1703/18403	9.2%

DNA analysis indicated that none of the dogs were purebred

The combined data showed that as the stringency levels for matching decreased, the percentage of matches increased. However the agreement between visual and DNA identification was low at all three levels, see Table 4. There were no matches of visual and DNA identifications at Level 1 for five dogs, no matches for four dogs at Level 2, and at Level 3, the most liberal criteria, no matches for one dog. For 8 dogs, fewer than 5% of the respondents' visual identifications matched any DNA identification at Level 3; for only 6 dogs did more than 50% of the respondents' visual identifications match any DNA identification.

### 3.3. Inter-Observer Reliability of Visual Identification of Most Predominant Breed of Dogs Identified as Mixed Breeds

Agreement among the respondents was also very poor, see Table 5 and see appendix. There was agreement among more than 50% of the respondents regarding the most predominant breed of a mixed breed for only 7 dogs and for 3 of these dogs the visual identification did not match any (either major or minor) DNA breed identification

Krippendorff's alpha was used to examine the reliability of the most commonly visually identified predominant breed (selected across all dogs identified as mixed breeds) for all respondents, yielding  $\alpha=0.23$  which is generally considered to represent low levels of inter-observer reliability [34],[35]. The data was treated dichotomously, the respondents either provided the same answer (breed) or not.

**Table 4.** Percent and Number of Respondents Whose Visual Identification Matched DNA Breed Identification for Each Dog at 3 Levels of Matching Stringency

Dog ID	LEVEL 1:PVI Matched a Major DNA Breed Identification		LEVEL 2:PVI Matched Any DNA Breed Identification		LEVEL 3:PVI or SVI Matched Any DNA Breed Identification	
	Percent	Yes / Total	Percent	Yes / Total	Percent	Yes / Total
1*	33.20%	290/873	35.70%	312/873	62.80%	550/876
2	43.00%	369/859	43.00%	369/859	53.10%	457/860
3	7.20%	62/863	7.20%	62/863	11.90%	103/863
4	0.10%	1/852	9.40%	80/852	12.40%	106/852
5	72.90%	653/896	72.90%	653/896	81.90%	734/896
6	0.00%	0/856	0.00%	0/856	0.10%	1/856
7	1.90%	17/872	1.90%	17/872	4.60%	40/872
8	0.00%	0/862	0.60%	5/862	1.90%	16/862
9	70.40%	639/908	70.50%	640/908	73.00%	664/909
10	0.00%	0/884	0.00%	0/884	0.10%	1/884
11*	53.70%	471/877	53.70%	471/877	64.50%	566/877
12	0.10%	1/831	0.10%	1/831	0.40%	3/831
13	0.00%	0/859	0.00%	0/859	0.00%	0/859
14	29.50%	260/880	29.50%	260/880	47.50%	418/880
15	0.20%	2/890	0.20%	2/890	0.70%	6/890
16	27.10%	218/805	27.10%	218/805	31.80%	256/805
17	56.60%	496/877	56.60%	496/877	75.30%	661/878
18	0.00%	0/869	0.00%	0/869	0.10%	1/869
19	10.80%	89/821	11.00%	90/821	14.60%	120/821
20	33.30%	283/849	38.20%	324/849	44.90%	381/849

PVI, Primary Visual Identification; SVI, Secondary Visual Identification; Any DNA Breed Identification, Major or Minor Breed relative representation in a dog. \*American Staffordshire Terrier (AST), Pit Bull and Pit Bull Terrier visual identifications were considered matches to DNA analysis breed identification of AST. Percentages in bold indicate over 50% of the visual identifications matched DNA identifications.

**Table 5.** Breed of Dog Most Often Visually Identified as Primary (PVI) in Dogs Also Visually Identified as a Mixed Breed

Dog ID	Breed Identified by Greatest Percentage of Respondents	Percent Identifying That Breed	Number of Respondents
1	Labrador Retriever	39.9%	855
2	Golden Retriever	39.3%	796
3	Border Collie	45.7%	771
4	Pug	37.0%	835
5	<b>GERMAN SHEPHERD DOG</b>	<b>59.1%</b>	777
6	German Shorthaired Pointer	33.0%	820
7	<b>CORGI</b>	<b>56.7%</b>	793
8	<b>PIT BULL/AST* (39.5%/12.1%)</b>	<b>51.6%</b>	787
9	<b>DALMATIAN</b>	<b>94.8%</b>	674
10	Yorkshire Terrier	16.6%	751
11	<b>GERMAN SHEPHERD DOG</b>	<b>61.2%</b>	762
12	Labrador Retriever	16.4%	750
13	German Shorthaired Pointer	14.4%	790
14	German Shepherd Dog	30.8%	844
15	<b>LABRADOR RETRIEVER</b>	<b>86.9%</b>	831
16	Australian Shepherd Dog	23.9%	774
17	<b>CHIHUAHUA</b>	<b>55.5%</b>	831
18	Cairn Terrier	23.5%	697
19	Collie	14.6%	796
20	Shih Tzu	43.2%	657

\*AST, American Staffordshire Terrier. PVI=Most Predominant Visual Identification. Breeds in UPPERCASE and bold indicate over 50% of the respondents were in agreement

## 4. Discussion

This study reveals a wide disparity between DNA and visual identification of the predominant breeds comprising a dog. It also indicates a low level of agreement among people regarding breed composition. Those of us in the animal care services have always remarked on the differences of opinions regarding what breed a dog is but few are aware of how little agreement there is or how often one's own opinion could be wrong.

The wide range of responses by the participants are compatible with research and theories pertaining to judgments of probability based on partial information[36-42]. Identification of the breed composition of a dog requires recognition and recall, both of which are influenced by a multitude of variables, such as perception, knowledge base, memory, recent or salient experiences with the subject matter, and cognitive abilities involving categorization, sorting, matching and recombination of features.

Identification is affected by what features (stimuli) a person notices and how much weight the person attributes to those features. For example, some people may attend to the hair coat and color pattern of a dog, while others focus on size, shape of head, or whether or not the tail is curled. The ease with which people notice a feature enhances recall and increases the weight that is placed on that feature. For example, so much significance is placed on any black pigmentation of a dog's tongue that, regardless of the morphology of the dog, it is usually identified as a Chow Chow or Chow mix. The frequency with which people are exposed to the names of specific breeds of dogs and their perception of the population of specific breeds will also influence prediction. Interestingly, the literature indicates that well educated professionals are as susceptible to judgmental biases as are the lay public[36],[37],[43],[44].

The low percentage of agreement between visual and DNA identification may be partially explained by perception biases. However, DNA identification of the proportion of purebred breeds in mixed breed dogs is not perfect either, nor do the laboratories that provide such analyses claim to be infallible. The average accuracy of identification of the breeds in an individual dog can be expected to decrease as the heterogeneity of its ancestors increases. Canine Heritage™ states that their accuracy of identification of known registered purebred dogs is 99% [45]. Wisdom Panel™ currently reports a 90% average accuracy of identification of F1 crosses of known registered purebred dogs[46].

After completing the quiz, the DNA results were revealed to the participants. However, it was not until we showed them pictures of the F1 and F2 crosses of registered purebred dogs[47] did the participants begin to realize that mixed breed dogs may not look like their purebred parents or grandparents. The mixed breeds bore little, if any resemblance, to their purebred parents or grandparents. Crosses of purebred dogs (particularly beyond the first generation) can result in unique combinations and a

collage of features. In fact, the pictures of Scott and Fuller's dogs looked more like breeds other than their immediate ancestors. Many current breeds were derived by crossing existing breeds or by selecting for morphological variations within a breed until a "new" breed was established[25],[30]. It actually shouldn't be surprising that visual identification of mixed breeds does not always agree with DNA based breed identification. A recent genetic study in dogs determined that very few regions of the canine genome encode morphological traits associated with breed-defining physical traits[48]. Dogs have on the order of 20,000 to 25,000 genes and fewer than 1% of the dog's genes control the external morphological features associated with specific breeds of dogs, such as ear shape and size, whether the ears are floppy, length of the legs, length of the coat, coat color and shape of the head and length of muzzle. A dog could genetically be 50% a German Shepherd Dog and lack the genomic regions responsible for the German Shepherd Dog size, coat color, muzzle length and ear properties.

Even after Scott and Fuller's pictures were shown, there was reluctance to consider that the DNA results might be correct. This is compatible with observations that people often adhere to their beliefs even when data is present that contradicts their beliefs and the confidence with which people adhere to these beliefs may actually increase when presented with contradictory data[36],[44],[49].

Misidentification of a dog's breed composition is not a trivial matter. How a dog is identified can affect many people and dogs. Dog ownership is common world wide[50-53]. In the United States approximately 40% of households have at least one dog, there is an increasing trend to obtain dogs from animal shelters/humane societies, and ownership of mixed breeds is increasing compared to purebreds[50],[51].

### 4.1. Limitations of the Study

It is possible that the breeds of these 20 dogs in this study are unusually difficult to identify visually. Similar studies should be conducted with other samples of dogs and by other researchers.

## 5. Conclusions

The disparities between visual and DNA identification of the breed composition of dogs and the low agreement among people who identify dogs raise questions concerning the accuracy of databases which supply demographic data on dog breeds, as well as the justification and ability to implement laws and private restrictions pertaining to dogs based on breed composition.

## ACKNOWLEDGEMENTS

We thank Elizabeth Arps, Dan Estep, John R. Greenwood, Janis Joslin, and Katherine Mitsouras for their help. The DNA breed analysis was provided by MARS VETERINARY™ Lincoln, NE 68501-0839. This study was

partially supported by the National Canine Research Council, LLC, 433 Pugsley Hill Rd, Amenia, NY 12501.

**APPENDIX**

**Table 6.** Comparisons of Respondents' Personal Demographics by Whether or Not Their Opinions Were Used to Assign Dog Breed

		All Respondents	GROUP A n=702	GROUP B n=221	Stat Test Result	p
			Opinions Used to Assign Breed Identities in Records	Opinions NOT Used to Assign Breed Identities in Records	(comparing Group A to B)	
Respondent Gender	Female	75.7%	74.2%	80.8%	$\chi^2=3.687$	0.055
	Male	24.3%	25.8%	19.2%		
	N	875	677	198		
Respondent Age	Mean	37.6	37.3	38.9	t=-1.427	0.155
	Median	35.0	35.0	38.0		
	Standard Deviation	12.5	12.0	14.0		
	N	826	642	184		
Participation in Dog-Related Activities	Yes	30.3%	29.8%	31.7%	$\chi^2=0.279$	0.597
	No	69.7%	70.2%	68.3%		
	N	909	701	208		
Own/Reside with Dogs	Yes	82.9%	83.8%	79.8%	$\chi^2=1.806$	0.179
	No	17.1%	16.2%	20.2%		
	N	890	687	203		

$\chi^2$ =Chi-Square. t=Student t-test. N= Number answering this question. Not all participants answered each of the questions

**Table 7.** Comparison and Percent of Level 1 Matches for Groups A and B

	GROUP A Opinions Used for Records	GROUP B Opinions NOT Used for Records		
Dog ID	% (n / N)	% (n / N)	Chi-Square	p
1*	33% (224 / 679)	33.2% (66 / 199)	0.002	0.963
2	40.8% (273 / 669)	48.7% (96 / 197)	3.907**	0.048
3	7.4% (50 / 674)	6.2% (12 / 193)	0.326	0.568
4	0% (0 / 664)	0.5% (1 / 202)	Fisher's Exact Test=0.233	
5	72.8% (500 / 687)	73.2% (153 / 209)	0.015	0.904
6	0% (0 / 669)	0% (0 / 192)	NA	
7	2.4% (16 / 671)	0.5% (1 / 205)	Fisher's Exact Test=0.142	
8	0% (0 / 672)	0% (0 / 194)	NA	
9	69.8% (484 / 693)	72.1% (155 / 215)	0.399	0.528
10	0% (0 / 679)	0% (0 / 210)	NA	
11*	51.6% (350 / 678)	59.6% (121 / 203)	4.002**	0.045
12	0.2% (1 / 653)	0% (0 / 192)	Fisher's Exact Test=1.000	
13	0% (0 / 671)	0% (0 / 196)	NA	
14	28.2% (192 / 680)	33.2% (68 / 205)	1.849	0.174
15	0.3% (2 / 684)	0% (0 / 210)	Fisher's Exact Test=1.000	
16	27.5% (176 / 640)	23.1% (42 / 182)	1.423	0.233
17	54.6% (371 / 680)	61.6% (125 / 203)	3.127	0.077
18	0% (0 / 671)	0% (0 / 203)	NA	
19	11.9% (77 / 647)	6.3% (12 / 190)	4.822**	0.028
20	32.4% (213 / 657)	35.9% (70 / 195)	0.82	0.365

\*American Staffordshire Terrier (AST), Pit Bull and Pit Bull Terrier visual identifications were considered matches to DNA analysis breed identification of AST n/N number of matches for that dog/Number of respondents that answered the question for that dog.\*\*significant at p < 0.05 level

**Table 8.** Comparison and Percent of Level 2 Matches for Groups A and B

	<b>GROUP A</b>	<b>GROUP B</b>		
	<b>Opinions Used for Records</b>	<b>Opinions NOT Used for Records</b>		
<b>Dog ID</b>	<b>% (n / N)</b>	<b>% (n / N)</b>	<b>Chi -Square</b>	<b>p</b>
1*	35.9% (244 / 679)	34.2% (68 / 199)	0.209	0.647
2	40.8% (273 / 669)	48.7% (96 / 197)	3.907**	0.048
3	7.4% (50 / 674)	6.2% (12 / 193)	0.326	0.568
4	10.1% (67 / 664)	6.4% (13 / 202)	2.467	0.116
5	72.8% (500 / 687)	73.2% (153 / 209)	0.015	0.904
6	0% (0 / 669)	0% (0 / 192)	NA	
7	2.4% (16 / 671)	0.5% (1 / 205)	Fisher's Exact Test=0.142	
8	0.6% (4 / 672)	0.5% (1 / 194)	Fisher's Exact Test=1.000	
9	70% (485 / 693)	72.1% (155 / 215)	0.35	0.554
10	0% (0 / 679)	0% (0 / 210)	NA	
11*	51.6% (350 / 678)	59.6% (121 / 203)	4.002**	0.045
12	0.2% (1 / 653)	0% (0 / 192)	0.294	0.587
13	0% (0 / 671)	0% (0 / 196)	NA	
14	28.2% (192 / 680)	33.2% (68 / 205)	1.849	0.174
15	0.3% (2 / 684)	0% (0 / 210)	Fisher's Exact Test=1.000	
16	27.5% (176 / 640)	23.1% (42 / 182)	1.423	0.233
17	54.6% (371 / 680)	61.6% (125 / 203)	3.127	0.077
18	0% (0 / 671)	0% (0 / 203)	NA	
19	12.1% (78 / 647)	6.3% (12 / 190)	5.042	0.025
20	37.7% (248 / 657)	39% (76 / 195)	0.096	0.757

\*American Staffordshire Terrier (AST), Pit Bull and Pit Bull Terrier visual identifications were considered matches to DNA analysis breed identification of AST n/N number of matches for that dog/Number of respondents that answered the question for that dog. \*\*significant at  $p < 0.05$  level

**Table 9.** Comparison and Percent of Level 3 Matches for Groups A and B

	<b>GROUP A</b>	<b>GROUP B</b>		
	<b>Opinions Used for Records</b>	<b>Opinions NOT Used for Records</b>		
<b>Dog ID</b>	<b>% (n / N)</b>	<b>% (n / N)</b>	<b>Chi -Square</b>	<b>p</b>
1*	62.5% (425 / 680)	62.2% (125 / 201)	0.006	
2	52.2% (350 / 670)	54.3% (107 / 197)	0.263	
3	12.5% (84 / 674)	9.8% (19 / 193)	0.983	
4	13.4% (89 / 664)	8.4% (17 / 202)	3.587	
5	82.8% (569 / 687)	78.9% (165 / 209)	1.626	
6	0.1% (1 / 669)	0% (0 / 192)	Fisher's Exact Test=1.000	
7	5.4% (36 / 671)	2% (4 / 205)	Fisher's Exact Test=0.054	
8	2.1% (14 / 672)	1% (2 / 194)	Fisher's Exact Test=0.545	
9	72.6% (503 / 693)	74.5% (161 / 216)	0.319	
10	0.1% (1 / 679)	0% (0 / 210)	Fisher's Exact Test=1.000	
11*	63% (427 / 678)	68.5% (139 / 203)	2.052	
12	0.5% (3 / 653)	0% (0 / 192)	Fisher's Exact Test=1.000	
13	0% (0 / 671)	0% (0 / 196)	NA	
14	45.4% (309 / 680)	53.2% (109 / 205)	3.776	
15	0.6% (4 / 684)	1% (2 / 210)	Fisher's Exact Test=0.630	
16	31.9% (204 / 640)	28.6% (52 / 182)	0.721	
17	73.7% (502 / 681)	78.3% (159 / 203)	1.762	
18	0.1% (1 / 671)	0% (0 / 203)	Fisher's Exact Test=0.630	
19	15.9% (103 / 647)	8.9% (17 / 190)	5.813	
20	44.1% (290 / 657)	46.7% (91 / 195)	0.388	

\*American Staffordshire Terrier (AST), Pit Bull and Pit Bull Terrier visual identifications were considered matches to DNA analysis breed identification of AST .n/N number of matches for that dog/Number of respondents that answered the question for that dog. \*\*significant at  $p < 0.05$  level

**Table 10.** The Top 5 Breeds/Types Most Often Visually Identified as “The Most Predominant” in Each of the 20 Dogs Identified as Mixed Breeds and Corresponding DNA Breed Identification

Dog ID	The five most frequently visually identified breeds/type and % of respondents indicating that breed	N	Major Breeds Identified by DNA	Minor Breeds identified by DNA
1	Labrador Retriever 39.9% ; Pit Bull 27.4% ; Rhodesian Ridgeback 9.6% ; <b>American Staffordshire Terrier</b> 6.5% ; <b>Chinese Shar-Pei</b> 2.6%	855	<b>American Staffordshire Terrier</b> ** ; Saint Bernard**	<b>Chinese Shar-Pei</b> *
2	<b>Golden Retriever</b> 39.3% ; Labrador Retriever 7.3% ; Border Collie 7% ; Australian Shepherd 6.8% ; <b>American Eskimo Dog</b> 6.5%	796	Rottweiler ** ; <b>American Eskimo Dog</b> ** ; <b>Golden Retriever</b> ** ; Nova Scotia Duck-Tolling Retriever **	
3	Border Collie 45.7% ; Flat-Coated Retriever 8.9% ; Australian Shepherd 8% ; <b>English Springer Spaniel, Springer Spaniel</b> 8% ; Labrador Retriever 5.7%	771	<b>English Springer Spaniel</b> ** ; German Wirehaired Pointer **	
4	Pug 37% ; Corgi 12.9% ; <b>Pekingese</b> 9.1% ; Chihuahua 8.5% ; Beagle 6.1%	835	Lhasa Apso **	Bischon Frise * ; Australian Cattle Dog * ; Italian Greyhound * ; <b>Pekingese</b> * ; Shih Tzu *
5	<b>German Shepherd Dog</b> 59.1% ; <b>Siberian Husky</b> 24.5% ; Shepherd, Sheepdog 4.5% ; Akita 4.2% ; Australian Cattle Dog, Blue, Red, Queensland Heeler 2.7%	777	<b>German Shepherd Dog</b> * ; Australian Shepherd Dog * ; <b>Siberian Husky</b> * ; Chow Chow * ; Dalmatian *	
6	German Shorthaired Pointer 33% ; Pointer, English Pointer 18.4% ; Australian Cattle Dog, Blue, Red, Queensland Heeler 11.1% ; Labrador Retriever 4.9% ; Catahoula Leopard Dog 3.3%	820	Chow Chow * ; Dachshund * ; Nova Scotia Duck-Tolling Retriever *	
7	Corgi 56.7% ; Chihuahua 14.1% ; German Shepherd Dog 4.3% ; Pembroke Welsh Corgi 3.5% ; Shetland Sheepdog 2.4%	793	American Water Spaniel* ; Black Russian Terrier* ; Pomeranian * ; Tibetan Terrier * ; Shih Tzu * ;	
8	Pit Bull 39.5% ; Labrador Retriever 13.7% ; American Staffordshire Terrier 12.1% ; Bulldog 9% ; Jack Russell Terrier 5.3%	787	Chow Chow ** ; French Bull Dog **	Clumber Spaniel * ; Dalmatian * ; Gordon Setter * ; Great Dane *
9	<b>Dalmatian</b> 94.8% ; Pit Bull 1.8% ; Labrador Retriever 0.7% ; Australian Cattle Dog, Blue, Red, Queensland Heeler 0.4% ; Pointer, English Pointer 0.4%	674	<b>Dalmatian</b> **	Boxer * ; Chow Chow * ; New Foundland *
10	Yorkshire Terrier 16.6% ; Schnauzer 10.4% ; Terrier 9.6% ; Chihuahua 9.1% ; Caim Terrier 8.9%	751	Australian Shepherd Dog ** ; Pekingese ** ;	
11	<b>German Shepherd Dog</b> 61.2% ; Belgian Malinois 7.3% ; Shepherd, Sheepdog 7.1% ; Akita 2.8% ; Belgian Sheepdog, Belgian Shepherd 2.8%	762	American Staffordshire Terrier ** ; <b>German Shepherd Dog</b> **	Bull Terrier* ; Chow Chow*
12	Labrador Retriever 16.4% ; Pharaoh Hound 15.7% ; German Shepherd Dog 12.8% ; Basenji 8.9% ; Greyhound 6.9%	750	Australian Shepherd Dog * ; Boxer * ; Dachshund* ; Dalmatian* ; Glen of Imaal Terrier *	
13	German Shorthaired Pointer 14.4% ; Pointer, English Pointer 13.3% ; American Foxhound, Foxhound 8.6% ; Coonhound 7.5% ; Treeing Walker Coonhound, Treeing Walker Hound 6.7%	790	Alaskan Malamute *	
14	<b>German Shepherd Dog</b> 30.8% ; Australian Shepherd 27.1% ; Australian Cattle Dog, Blue, Red, Queensland Heeler 8.4% ; Catahoula Leopard Dog 7.6% ; Rottweiler 5.2%	844	<b>German Shepherd Dog</b> ** ; Standard Schnauzer **	English Setter*
15	Labrador Retriever 86.9% ; Rottweiler 5.1% ; Border Collie 1.4% ; German Shepherd Dog 1.2% ; Australian Shepherd 0.8%	831	Chow Chow* ; Golden Retriever * ; Gordon Setter* ; St. Bernard*	
16	<b>Australian Shepherd</b> 23.9% ; Cocker Spaniel 8.5% ; Border Collie 8.3% ; Spaniel 7.5% ; German Shepherd Dog 5%	774	<b>Australian Shepherd Dog</b> * ; Boxer * ; Golden Retriever*	
17	<b>Chihuahua</b> 55.5% ; Beagle 9.1% ; Jack Russel Terrier 7.6% ; <b>Cavalier King Charles Spaniel</b> 4.2% ; Pekingese 4%	831	<b>Cavalier King Charles Spaniel</b> * ; <b>Chihuahua</b> * ; Shih Tzu*	
18	Cairn Terrier 23.5% ; Terrier 11% ; Wire Fox Terrier 9.3% ; West Highland White Terrier 8.5% ; Yorkshire Terrier 6.7%	697	Miniature Pinscher ***	Dachshund *

19	Collie 14.6% ; Beagle 13.9% ; German Shepherd Dog 11.4% ; <b>Border Collie</b> 11.2% ; Smooth Coated Collie 9%	796	<b>Border Collie</b> **	Basset Hound *; Cocker Spaniel *
20	<b>Shih Tzu</b> 43.2% ; Lhasa Apso 25.9% ; <b>Cocker Spaniel</b> 4.4% ; Maltese 3.2% ; Terrier 3%	657	<b>Shih Tzu</b> **	<b>Cocker Spaniel</b> * ; Miniature Schnauzer* ; Pekingese *

\* 12.5% breed composition by DNA. \*\* 25% breed composition by DNA. \*\*\* 50% breed composition by DNA

For calculations of inter-observer reliability of each dog, only the answers of respondents who indicated that the dog was not a purebred and committed to what they thought was the most predominant breed in that dog were used

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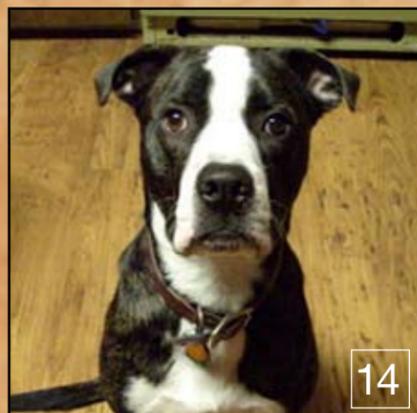
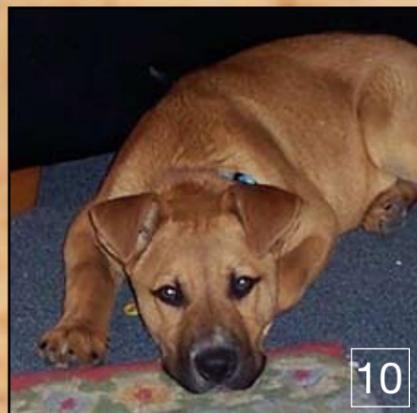
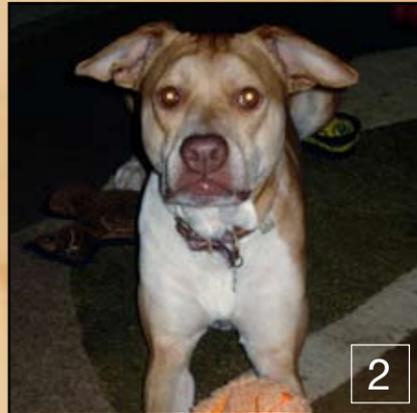
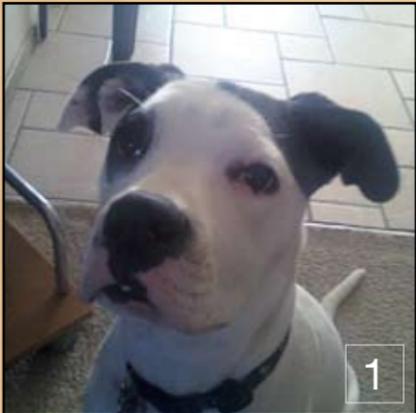
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# ALL OF THESE DOGS ARE MIXED BREED DOGS

CAN YOU GUESS THE MIX OF BREEDS?

EACH OF THESE DOGS WAS GIVEN A BLOOD-BASED DNA TEST\* TO DETERMINE MIX OF BREEDS  
ONLY THREE OF THESE DOGS ARE "PIT BULL" MIXES



\*Tested with Mars Wisdom Panel™ MX by their owners: [www.wisdompanel.com](http://www.wisdompanel.com)  
Significant 50% or more, Some 25%-49%, Distant 12.5%-24%

1. significant Boxer with some Bulldog 2. distant traces of Smooth Fox Terrier 3. significant Chihuahua with some Cocker Spaniel 4. some Rottweiler and Boston Terrier 5. some German Shepherd Dog and distant traces of Affenpinscher 6. some Chinese Shar-Pei and distant traces of Rottweiler 7. some American Staffordshire Terrier and Australian Cattle Dog 8. distant traces of Basset Hound, Dalmatian and Pug 9. significant American Staffordshire Terrier and distant traces of Boxer 10. some German Shepherd Dog and distant traces of Basset Hound, Norwegian Elkhound and Samoyed 11. distant traces of Basset Hound, Dalmatian, Glen of Imaal Terrier, Staffordshire Bull Terrier and Wire Fox Terrier 12. some Rottweiler and distant traces of Clumber Spaniel, German Wirehaired Pointer and Newfoundland 13. some Boston Terrier and distant traces of Bulldog 14. distant traces of Borzoi, Brussels Griffon, Dachshund, English Cocker Spaniel and Samoyed 15. some Boxer and distant traces of Bernese Mountain Dog, Briard, Dalmatian and Welsh Springer Spaniel 16. distant traces of Beagle, Boxer, Bulldog, Chesapeake Bay Retriever, Dalmatian, Mastiff and Whippet

# BREED SPECIFIC OR LOOKS SPECIFIC

The term “pit bull characteristics” and “all three bully breeds” are used as descriptions of the dogs that the breed-specific laws would apply to. However, I’m not sure what a “pit bull characteristic” is because the term pit bull does not refer to any specific breed of dog. It is ironic that legislation containing the words “breed” and “specific” define “the specific breed” as a nebulous group of

“I am beginning to believe that breed specific legislation targets nothing more than a small subset of morphological characteristics of dogs and does not address behavior at all.”



Kristopher Irizarry, PhD  
Assistant Professor,  
Bioinformatics, Genetics,  
Genomics, Western University.  
Advisor to NCRC

three or more distinct breeds along with any other dog that might be mixed with those breeds. It is my professional opinion that this group of dogs must be the most genetically diverse dog breed on the planet. I find it paradoxical that the consensus medical and genetic view is that even one single letter difference between two people’s DNA can result in dramatic differences in behavior, susceptibility to disease and risk of adverse drug reactions, but, when it comes to man’s best friend, the exact opposite argument is made. I think these attempts to “protect society” from dangerous dogs are flawed because the inherent assumption in these laws is that anatomical and morphological characteristics in dogs correlate with certain behaviors. The genetic program that results in a large thick skull, like that of a Labrador Retriever, is not the same genetic program that builds the brain. The former regulates genes that control the cellular differentiation and anatomical patterning of cartilage, muscle and bone. The latter regulates completely different processes including the highly ordered growth of millions of different neurons that migrate and interconnect to form neuronal circuits that communicate the biochemical language of the brain.

The “science” of inferring cognitive and behavioral traits from physical properties of the head and skull (called phrenology) had been discredited in the last century (20<sup>th</sup> century). Why we would allow laws based on phrenology to be enacted in the 21<sup>st</sup> century is a question worth investigating.

# A COMPARISON OF VISUAL AND DNA IDENTIFICATION OF BREEDS OF DOGS

We are all aware of the newspaper articles, magazine stories, and TV segments that show pictures of dogs and then reveal DNA breed analyses of the dogs. Surprise – the DNA results are not what were expected based on the appearance of the dogs or the owners’ beliefs. Those of us who walk through shelters and animal control facilities compare the posted breed descriptions of the dogs to what they look like to us – with frequent differences of opinions. Those who have worked at shelters and similar facilities are aware that as dogs move through the steps in admission or during their stay that their breed descriptions may change. It is my impression, when visiting animal control or adoption agencies, that most medium to large size dogs with straight, short/ medium length brown hair coats are cast as German shepherds or shepherd

mixes, dogs with a black spot on their tongues are designated Chow mixes, and most medium sized, stocky, broad headed, small eared dogs with a short hair coats are pitbulls or pit-bull mixes.

“the DNA results  
are not what  
were expected  
based on the  
appearance of  
the dogs or the  
owners’ beliefs.”

It is not easy to visually identify the breeds of dogs of unknown parentage accurately. Sometimes dogs just don’t look like either parent. Scott and Fuller’s work on the genetics and social behavior of dogs involved studying purebred dogs, F1 crosses of purebreds, backcrosses and F2 crosses.<sup>1</sup> Photographs of some of these F1 and F2 puppies depict that they do not resemble either purebred parent, nor do the photographs of the F2 generations dogs look like their mixed breed parents. We don’t know how many of the offspring did look like their purebred ancestors, but clearly not all resembled parents or grandparents.

Shelter dog breed assignments may be based on what the dogs look like to someone at the shelter or because owners relinquishing their dogs have identified the dogs as a specific breed. Newborn and young puppies may be identified as a certain breed because the mother dog resembled a purebred dog. In the latter case, the sire of the litter could have been any breed or several dogs could have fathered puppies in the same litter. When the puppies grow up they don’t look anything like their mother or litter mates. These breed or mixed breed identifications may eventually find their way into data bases – be it through population data, dog bites, serious dog attacks, behavior problems, or disease statistics.

Rarely are owners permitted to simply fill out forms that ask about the breed by only stating that the dog is a mixed breed or of unknown parentage. If they do so, the follow-up question often is “What is it mostly?”, or “What is its most predominant breed?”, or “What does it look like mostly?” This information may be solicited by insurance companies, landlords, housing associations, licensing agencies, mandatory dog bite reports, veterinary

medical records, the media, and researchers trying to determine the likelihood of involvement of specific breeds in study populations. For example, in the methodology of one elegantly designed study, owners were asked “what breed they considered their dog: if more than one breed was specified, they were asked which breed they considered to be predominant.”<sup>2</sup> This article became part of the impetus for many recommendations and restrictions intended to reduce dog bites.

High profile articles in JAMA and JAVMA have reported dog bite fatalities and listed breeds involved in such attacks.<sup>3,4</sup> The data used was obtained by “combining data from the National Center for Health Statistics

and computerized searching of news stories. Karen Delise has presented compelling arguments in her recent book, *The Pit Bull Placebo*, that undermines conclusions and implications of these reports.<sup>5,6</sup>

A short report in press in the Journal of Applied Animal Welfare Science indicates low agreement between the identification of breeds of dogs by adoption agencies and DNA identification.<sup>7</sup> The dogs in this study were of unknown parentage and had been acquired from adoption agencies. In only a quarter of these dogs was at least one of the breeds proposed by the adoption agencies also detected as a predominant breed by DNA analysis. (Predominant breeds were defined as those comprised of the highest percentage of a DNA breed make-up.) In 87.5% of the adopted dogs, breeds were identified by DNA analyses that were not proposed by the adoption agencies. A breed must have been detected at a minimum of 12.5% of a dog’s make-up to be reported in the DNA analysis.

**“The discrepancy between breed identifications based on opinion and DNA analysis, as well as concerns about reliability of data collected based on media reports, draws into question the validity and enforcement of public and private policies pertaining to dog breeds.”**

Reports of DNA analyses of percentages of pure-bred dog breed ancestry, while accurate most of the time, are not infallible. The laboratories providing such analyses may have qualifiers in their reports stating that there is an 85% or 90% validity of the results and indicate which results have lower confidence levels. Different testing laboratories

may report different results depending on which dogs were used to develop their standards and how the laboratories analyze the samples.<sup>8</sup> As the tests are refined, the same laboratory may report slightly different results at different points in time.

The discrepancy between breed identifications based on opinion and DNA

analysis, as well as concerns about reliability of data collected based on media reports, draws into question the validity and enforcement of public and private policies pertaining to dog breeds.

Dr. Amy Marder, Animal Rescue League of Boston and Director for the Center for Shelter Dogs, has proposed that dogs adopted from shelters in the U.S. simply be identified as “American Shelter Dogs”. This might solve a lot of problems, as well as promote pride and ownership of an “American Shelter Dog.”

---

Victoria Lea Voith  
PhD, DVM, DACVB  
**Professor, Animal Behavior,  
Western University**



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# Why Breed-specific Legislation Is not the Answer



## AVMA Member Toolkit

Get ready-to-use materials to address breed-specific legislation in your community.

[Letter from veterinarian](#)

[Letter from state VMA](#)

## Further Reading:

[Notes on Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998 \(PDF\)](#)

Breed-specific legislation (BSL) targets specific breeds of dogs that are wrongly thought to all be dangerous – most frequently "pit bull types" – and places stricter regulations on these dogs or even makes ownership of them illegal. Several cities, towns and states across the United States and Canada have adopted breed-specific measures in an attempt to prevent dog bites in their communities. **However, while BSL may look good on the surface, it is not a reliable or effective solution for dog bite prevention.**

**The AVMA is opposed to breed-specific legislation.**

## Any dog can bite

According to the U.S. Centers for Disease Control (CDC), more than 4.5 million people in the United States are bitten by dogs each year, and more than 800,000 receive medical attention for dog bites, with at least half of them being children. It is no exaggeration to say that [dog bites pose a significant health risk to our communities and society](#).

The issue of dangerous dogs, dog bites and public safety is a complex one. **Any dog can bite, regardless of its breed.** It is the dog's individual history, behavior, general size, number of dogs involved, and the vulnerability of the person bitten that determines the likelihood of biting and

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## The problem with breed-specific legislation

[AVMA's Policy on Dangerous Animal Legislation](#) states: "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."

There are several reasons why breed-specific bans and restrictions are not a responsible approach to dog bite prevention:

### **Breed-specific laws can be difficult to enforce, especially when a dog's breed can't easily be determined or if it is of mixed breed.**

Frequently, breed-specific legislation focuses on dogs with a certain appearance or physical characteristics, instead of an actual breed. "Pit bulls" are the most frequent targets of breed-specific legislation despite being a general type rather than a breed; other breeds also are sometimes banned, including Rottweilers, Dobermans and boxers. However, it is extremely difficult to determine a dog's breed or breed mix simply by looking at it. [A study conducted by Maddie's Fund](#), a national shelter initiative, showed that even people very familiar with dog breeds cannot reliably determine the primary breed of a mutt, and dogs often are incorrectly classified as "pit bulls". Because identification of a dog's breed with certainty is prohibitively difficult, breed-specific laws are inherently vague and very difficult to enforce.

### **Breed-specific legislation is discriminatory against responsible owners and their dogs.**

By generalizing the behaviors of dogs that look a certain way, innocent dogs and pet owners suffer. BSL can lead to the euthanasia of innocent dogs that fit a certain "look," and to responsible pet owners being forced to move or give up dogs that have never bitten or threatened to bite. Furthermore, dogs that are considered to be of a "dangerous breed" may already be serving the community in positions such as police work, military operations, rescue purposes, and as service animals. Contrary to being a liability, these animals are assets to society; however they, too, suffer due to misinformation and breed-based stereotypes.



### **Breed bans do not address the social issue of irresponsible pet ownership.**

Dogs are more likely to become aggressive when they are unsupervised, unneutered, and not socially conditioned to live closely with people or other dogs. Banning a specific breed can give a community a false sense of security, and deemphasize to owners of other breeds the importance of [appropriate socialization and training](#), which is a critical part of [responsible pet ownership](#). In enacting breed-specific legislation, cities and states will spend money trying to enforce ineffective bans and restrictions rather than implementing proven solutions, such as licensing and leash laws, and responding proactively to owners of any dog that poses a risk to the community.

### **It is not possible to calculate a bite rate for a breed or to compare rates between breeds because the data reported is often unreliable.** This is because:

1. The breed of a biting dog is often not known or is reported inaccurately.

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4. Statistics often do not consider multiple incidents caused by a single animal.
5. Breed popularity changes over time, making comparison of breed-specific bite rates unreliable. However [a review of the research](#) that attempts to quantify the relation between breed and bite risk finds the connection to be weak or absent, while responsible ownership variables such as socialization, neutering and proper containment of dogs are much more strongly indicated as important risk factors.

## A better solution to dog bite prevention

Animal control and legislative approaches to protecting a community from dangerous dogs should not be based on breed, but instead on promoting [responsible pet ownership](#) and developing methods to rapidly identify and respond to owners whose dogs present an actual risk.

The AVMA recommends the following strategies for dog bite prevention:

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, by trained animal care and control officers
3. Prohibition of dog fighting
4. Encouraging neutering for dogs not intended for breeding
5. School-based and adult education programs that teach [pet selection strategies](#), pet care and responsibility, and [bite prevention](#)

AVMA's report [A Community Approach to Dog Bite Prevention \(PDF\)](#) highlights tangible steps that veterinarians can take alongside state and local leaders to implement effective dog bite prevention programs in their community.

## More Resources

- [Summary notes adapted from A Community Approach to Dog Bite Prevention](#)
- [Literature Review: The Role of Breed in Dog Bite Risk and Prevention](#)
- [AVMA podcast on Breed-specific Legislation](#)
- [State-by-state summary of breed-specific ordinances](#)
- [American Veterinary Society of Animal Behavior \(AVSAB\) position statement on breed-specific legislation](#)

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# When Doctors Stray Outside of Expertise

By: | November 6th 2017

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Misinformation, exaggeration, and emotion hijack otherwise important injury treatment information when human health care professionals (doctors, nurses, etc.) speculate about dog behavior in the context of dog bite-related injuries.

A new study, “Defaming Rover: Error-based latent rhetoric in the medical literature on dog bites,”<sup>1</sup> finds that the literature on dog bites written by human health care professionals is rife with distortions and errors, and laden with rhetorical devices that mischaracterize dog behavior and grossly overstate the actual risk of dog bite injuries. Human health care professionals writing on this topic create concern disproportionate to the actual risk and unduly heighten mistrust of dogs. Such distortions in turn impede legitimate preventive efforts, and lead public policy astray.

The “Defaming Rover” authors examined 156 papers on dog bites written by human health care professionals. This content analysis revealed misinformation about human-canine interactions, the meaning and significance of breed and of breed characteristics, and the frequency of dog bite-related injuries. Misinformation included clear-cut factual errors, misinterpretations, omissions, emotionally loaded language, and exaggerations based on misunderstood or inaccurate statistics. The authors also found instances where human health care professionals had failed to validate secondary sources resulting in the inclusion of non-existent data presented as fact. The “Defaming Rover” authors grouped these errors as generalization, catastrophization, demonization, and negative differentiation.

The “Defaming Rover” authors, 3 of whom are affiliated with National Canine Research Council, called on human health care providers to exercise greater rigor when discussing non-clinical issues related to dogs, and for policy makers and the public to approach statements about dog behavior in such papers with skepticism.

## Related Posts



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## Sources and Notes

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## CHAPTER II. ANIMAL CONTROL AND REGULATION

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### ARTICLE 1. GENERAL PROVISIONS

#### 2-101 PURPOSE

The purpose of this Chapter is to promote harmonious relationships in the interaction between humans and animals by:

- a) Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- b) Delineating the responsibility of persons for the acts and behavior of such persons' animals at all times;
- c) Providing regulations that foster a reduced risk to residents from annoyance, intimidation, injury and health hazards by animals; and
- d) Encouraging responsible pet ownership. (Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

#### 2-102 DEFINITIONS

- a) Abandon includes the leaving of an animal by the person responsible therefor without making effective provisions for its proper care.
- b) Adequate care means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific animal.
- c) Adequate food means supplying at suitable intervals (not to exceed 24 hours) of a quantity of food suitable and sufficient to maintain reasonable level of nutrition for each animal.
- d) Adequate health care means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased, or injured animal of necessary veterinary care or humane death.
- e) Adequate shelter means a structurally sound, properly ventilated, sanitary and weatherproof shelter which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.
- f) Adequate water means a continual access to a supply of clean, fresh, potable water provided in a sanitary manner.
- g) Animal is any living creature, other than humans.
- h) Animal bite is any contact between an animal's mouth, teeth, or appendages and the skin of a bite victim that causes any visible puncture, scratch, or break to the skin.
- i) Animal control officer is a duly authorized person employed by the City who is charged with the duties of enforcing this Chapter and/or related ordinances.
- j) At-large is to be off the property of the person responsible for an animal, except when the animal is taken off such person's property on a leash, in a cage, or other conveyance.
- k) City is a reference to the City of Prairie Village, Kansas and its corporate limits.
- l) Confined to the premises means confined or restricted either inside the residential structure of the person responsible for an animal; or if outside the residential structure, confined or restricted to the backyard of the premises fenced in a manner that prohibits escape, or by being physically restrained on a chain or leash or other proper method of physical restraint from which the animal cannot escape.
- m) Dangerous wild animal means any animal, which is wild by nature and of a species which, due to size, vicious nature or other characteristics, would constitute a danger to human life, physical well-being, or property, including but not limited to lions, tigers,

leopards, panthers, bears, wolves, wolf hybrids, apes, gorillas, monkeys of a species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, and animals which are venomous and/or poisonous, and any animals which could otherwise present a risk or serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors.

- n) Dangerous animal means an animal which:
  - 1) When unprovoked, aggressively bites, attacks or endangers the safety of humans or domestic animals;
  - 2) When unprovoked, has a known propensity, tendency or disposition to attack, cause injury to, or otherwise threaten the safety of human beings or domestic animals;
  - 3) Has been found to be potentially dangerous and after the person responsible therefor has notice that the animal is potentially dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
  - 4) Is owned, harbored, sheltered, kept, controlled, managed, or possessed primarily or in part for the purpose of fighting or is trained for fighting.
- o) Domesticated cat or dog is a cat or dog that tends to possess reliability of temperament, tractability, docility, predictability and trainability, and has adapted to life among humans.
- p) Impound means taking any animal into the confinement, care, or custody of the City.
- q) Municipal Court means the Municipal Court of the City.
- r) Person is any natural person, association, firm, partnership, organization, or corporation.
- s) Person responsible (for an animal) includes any person which owns, harbors, shelters, keeps, controls, manages, possesses, or has a part interest in any animal. An occupant of any premises on which a dog or cat remains or customarily returns is a person responsible for it under this Chapter. There may be more than one (1) person responsible for an animal. Any person keeping any animal in the City for three (3) consecutive days shall be conclusively presumed to be the person responsible for such animal.
- t) Potentially dangerous animal means any animal which, when unprovoked:
  - 1) Inflicts bites on a human or domestic animal either on public or private property; or
  - 2) any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.
- u) Unprovoked means that the person or domestic animal approached, chased, bitten or attacked:
  - 1) Did not mischievously or carelessly provoke or aggravate the animal;
  - 2) Was not committing a willful trespass or other tort upon the premises occupied by the person responsible for the animal;
  - 3) Was not tormenting, abusing, assaulting or attacking the animal;
  - 4) Has not in the past been observed or reported to have tormented, abused assaulted or attacked the animal; or
  - 5) Was not committing or attempting to commit a crime.
- v) Vicious animal means an animal which has:
  - 1) When unprovoked, has inflicted a vicious bite to any person or domestic animal on public or private property;
  - 2) When unprovoked, has killed a domestic animal while off the property of the person responsible for such vicious animal; or

3) Been declared to be dangerous and after the person responsible therefor has notice that the animal has been declared dangerous, the animal aggressively bites, attacks or endangers the safety of humans or domestic animals.

w) Vicious bite is any attack by any animal, which results in serious physical injury or death to a human and/or other domestic animal in which the attacking animal uses its teeth and/or claws.

(Ord. 1562 (part), 1985; Ord. 1677, ss2(a), 3(d), 1988; Ord. 2091 (part); Ord. 2106 (part), 2005; Ord. 2213, Sec. 1 & !!, 2009; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### **2-103 KEEPING OF LIVESTOCK, POULTRY AND FOWL PROHIBITED**

a) Except as provided in subsection (b) below, It shall be unlawful for any person to own, harbor, shelter, keep, control, manage, or possess livestock, poultry or fowl on any premises within the City and no special or temporary permit will be issued for these. For the purpose of this section, livestock, poultry, and fowl include, but are not limited to: cows, pigs, horses, donkeys, mules, sheep, goats, chickens, ducks, geese, guinea fowl, peacocks, pigeons, swans and those animals considered miniature or pygmy breeds, e.g., pot-bellied pigs, miniature donkeys, miniature horses, and pygmy goats.

b) The following persons or organizations shall be allowed to own, harbor, shelter, keep, control, manage, or possess any livestock, poultry and fowl:

1. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where there are kept live specimens for the public to view or for the purpose of instruction or study;
2. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show;
3. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment; and
4. Commercial establishments processing such animals for the purpose of sale or display.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### **2-104 KEEPING OF DANGEROUS WILD ANIMALS PROHIBITED**

a) No person shall keep or permit to be kept on such person's premises any dangerous wild animals for display or for exhibition purposes whether gratuitously or for a fee. This section will not be construed to apply to zoological parks, performing animal exhibits or circuses, bonafide licensed veterinary hospital for treatment, bonafide educational o medical institutions, museums or any other place where they are kept as live exhibits or for study.

b) No person shall keep or permit to be kept any dangerous wild animal as a pet.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### **2-105 PIT BULL DOG – KEEPING PROHIBITED**

It shall be unlawful to own, harbor, shelter, keep, control, manage, or possess within the corporate limits of the City, any pit bull dog. Pit bull dog for the purposes of this Chapter shall include:

- a) The Staffordshire Bull Terrier breed of dog;
- b) The American Pit Bull Terrier breed of dog;
- c) The American Staffordshire Terrier breed of dog, or

- d) Any dog having the appearance and characteristics of being predominately of the breeds of Staffordshire pit bull terrier, American pit bull terrier, American Staffordshire bull terrier; or a combination of any of these breeds.  
(Ord. 1677 Sec. 4, 1988; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

## **2-106 POTENTIALLY DANGEROUS, DANGEROUS AND VICIOUS ANIMALS**

### **a) Determination.**

1. In the event that the animal control officer or a law enforcement officer has probable cause to believe that an animal is potentially dangerous, dangerous or vicious, as defined in Section 2-102, such officer may petition the Municipal Court to set a hearing for the purpose of determining whether or not the animal in question should be declared potentially dangerous, dangerous or vicious. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis to support a finding of probable cause shall be made by declaration under penalty of perjury by the complainant in the manner provided by K.S.A. 53-601, and shall be attached to the petition. The Municipal Court, upon the finding of probable cause, shall notify the person responsible for the animal, personally or by certified mail, and the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible may present evidence to the Municipal Court as to why the animal should not be declared potentially dangerous, dangerous or vicious.
  2. The failure of the person responsible to attend or participate in the hearing shall not prevent the Municipal Court from hearing evidence in the matter and making a determination whether the animal is potentially dangerous, dangerous or vicious as alleged, or from entering further orders pursuant to such finding. The hearing shall be informal and shall be open to the public.
  3. The Municipal Court, after considering the evidence, may issue its determination and order declaring the animal to be potentially dangerous, dangerous or vicious based upon such evidence. The order shall be delivered to the person responsible either personally or by first class mail. If a determination is made that the animal is potentially dangerous, dangerous or vicious, the person responsible shall comply with the provisions of this Chapter as directed by the Municipal Court in accordance with a time table established by the Municipal Court, within thirty (30) days after the date of the determination. If the person responsible for the animal contests the determination, he or she may within ten (10) days, exclusive of Saturdays, Sundays and holidays, of such determination appeal to the district court.
  4. In the event that pending the determination by the Municipal Court and/or in any appeals taken, the animal is not restrained, and the animal control officer or law enforcement officer has probable cause to believe that the animal in question may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid Municipal Court determination and/or the determination in any appeals taken. Upon the Municipal Court's determination that the impounded animal is potentially dangerous, dangerous or vicious, the person responsible for the animal shall be liable to the City for the costs and expenses of impounding such animal.
- b) Control of Potentially Dangerous and Dangerous Cats or Dogs. If the Municipal Court determines that an animal is potentially dangerous or dangerous, the person responsible

for such animal shall comply with the requirements of sections 2-107, 2-109 and 2-117 through 2-121 of this Chapter.

- c) Disposition of Vicious Animals. If the Municipal Court determines that an animal is vicious, the Municipal Court shall order that the animal be euthanized or that the person responsible for such animal remove the animal from the City limits and shall provide the Municipal Court with the exact location, address, and contact information for the new person responsible where the animal has been moved. The Municipal Court shall notify the receiving jurisdiction that the animal has been determined to be a vicious animal. The animal shall not be returned to the City limits after removal. It shall be unlawful for the person responsible for a vicious animal to maintain such animal in violation of the Municipal Court's order and this section.
- d) Dangerous and Potentially Dangerous Animal Designation Review. Beginning one (1) year after an animal is declared potentially dangerous or dangerous, a person responsible therefor may petition annually that the Municipal Court review the designation by requesting a review hearing in the Municipal Court. If a petition for a review hearing is filed, the Municipal court shall notify the person responsible for the animal, personally or by certified mail, and the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible must provide evidence that the animal is no longer potentially dangerous or dangerous due to the animal's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. The City Prosecutor may present evidence as well. The hearing shall be informal and shall be open to the public. If the Municipal Court finds sufficient evidence that the animal's behavior has changed, the Municipal Court may rescind that potentially dangerous or dangerous animal designation. (Ord. 2368, Sec. 1, 2017)

#### **2-107 POTENTIALLY DANGEROUS OR DANGEROUS ANIMAL PERMIT REQUIRED**

- a) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal which has been declared to be potentially dangerous or dangerous by the Municipal Court of the City, or any other jurisdiction, shall secure and renew an annual potentially dangerous or dangerous animal permit in accordance with this Chapter and comply with all terms and conditions this Chapter to maintaining such permit.
- b) Failure to obtain and maintain a potentially dangerous or dangerous animal permit as required by subsection (a) shall be adequate grounds for the animal control officer to impound the animal until a permit is obtained. (Ord. 2368, Sec. 1, 2017)

#### **2-108 EXEMPTIONS**

- a) The provisions of this Chapter shall not apply to the transportation of prohibited animals or potentially dangerous, dangerous or vicious cats or dogs through his City when such transport has taken adequate safeguards to protect the public and has notified the local law enforcement agency of the proposed route of transportation and the time thereof. (Ord. 2368, Sec. 1, 2017)

#### **2-109 HARBORING OR KEEPING OF PERMITTED ANIMALS**

- a) No person shall own, harbor, shelter, keep, control, manage, or possess, within the City, any potentially dangerous or dangerous animal, or any safe animal including the domestic dog (*canis familiaris*) and the domestic cat (*felis domesticus*), without obtaining permits and licenses required under this Chapter. The following animals are the only animals allowed without a permit or license:

1. Gerbils (*Tateriltus gracillio*);
  2. Hamsters (*Critecus critecus*);
  3. Rabbits (*Lepus Cunicullus*);
  4. Domestic Mice (*Mus musculus*);
  5. Domestic Rat (*Rattus norvegicus*),
  6. Any animal, usually tame and commonly sold at pet stores, including:  
Ferrets (*Mustela furo*), Chinchillas (*Chinchillidae*), Canaries (*Serinus canaria*),  
Cockatoos, Macaws, Parakeets, and Parrots (*Psittacines*), and
  7. Bees, subject to Section 2-140.
- b) Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, any animal without a permit, except as exempted by this section, shall be charged with a misdemeanor and upon conviction thereof, shall be subject to the penalties in section 2-143. This shall include instances where any person owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal which has been declared by another municipality to be potentially dangerous or dangerous, or similar designation.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

## **2-110 REGISTRATION – TAGS**

The person responsible for any cat or dog present in the City shall cause the same to be registered at the office of the City Clerk. The registration shall contain the name, address and phone number of the person responsible for such animal, the animal's breed, name, sex, whether neutered, color and description and such other information as may be deemed necessary by the City Clerk. Subject to the provisions of section 2-114, the City Clerk or authorized assistant shall upon payment of the license fee as provided in section 2-111, issue a permanent tag, bearing a number and Prairie Village, KS.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-111 LICENSE FEE – DESIGNATED**

- a) In addition to any permit fees required by this Chapter, there is levied and imposed an annual license fee upon the person responsible for each cat or dog of the age of over six months, attaining such age during the license year. The license fee shall be adopted by the Governing Body and the amount of the fee will be kept on record in the office of the City Clerk.
- b) The license year shall be for a twelve (12) month period commencing on the date the animal is first licensed. The license is valid for one year from issuance of license or until the expiration of rabies vaccination whichever is greater. The fee shall be payable within 60 days of the expiration of the license. An animal for which a licensed fee is required as set forth in this section; over six months of age should be licensed within thirty days of being brought into the City or attaining six months of age.

(Ord. 1562 (part), 1985; Ord. 1650, Sec. 2, 1988; Ord. 1764, Sec. 2, 1991; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 6, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-112 LICENSE FEE – OVERDUE**

- a) If the license fee required in section 2-111 is not paid within the time provided in this section, penalties will apply in addition to the normal license fee. The amount and dates penalty will be charged shall be adopted by the Governing Body and on record in the Office of the City Clerk.

- b) After 60 days after the due date, if the fee imposed and required to be paid by section 2-111 remains unpaid, the City Prosecutor may issue a complaint against the person responsible for violation of section 2-111.

(Ord. 1562 (part), 1985; Ord. 1773, Sec. 2, 1991; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-113 LICENSE FEE – EXEMPTIONS**

Any person who owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, a dog which is a “service animal” as defined by the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, or a dog that is utilized by law enforcement personnel, shall be exempt from the license fee payment upon submittal of adequate proof that the animal is current for the year on its rabies vaccination.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-114 INOCULATION AGAINST RABIES REQUIRED**

- a) No City license tag required by this section shall be issued until the person responsible for a cat or dog shall furnish to the City Clerk a current inoculation certificate signed by a registered veterinarian, showing thereon that the cat or dog has been vaccinated against rabies. The inoculation certificate shall be deemed current if it has not expired before the person responsible submits it to the City along with the application for license.
- b) It shall be the responsibility of the person responsible for the cat or dog to ensure that the animal’s inoculation against rabies is maintained throughout the license period.
- c) A rabies vaccination shall not be required if a licensed veterinarian recommends that a dog or cat not be inoculated with rabies vaccine for health purposes, and the person responsible provides the office of the City Clerk with a statement from a licensed veterinarian on official letterhead specifying the reason that the animal shall not be vaccinated for health purposes.

(Ord. 2005, Sec. 1, 2001; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-115 ENUMERATION OF ANIMALS**

The Governing Body may require the annual enumeration of all cat or dogs present within the City. The enumeration shall account for the number and persons responsible for all cats and dogs.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-116 LIMITATIONS ON NUMBER OF ANIMALS**

No person, residential premises or household within this City shall have, hold, maintain or contain more than a combined total of four dogs and cats over three months of age; provided, however, that in no event shall the combination of dogs or cats exceed three dogs or three cats. Any violation of this section is, upon conviction thereof, a misdemeanor and subject to the penalties provided in this Chapter.

(Ord. 1562 (part), 1985; Ord. 1689, Sec. 2, 1989; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-117 APPLICATION FOR POTENTIALLY DANGEROUS AND DANGEROUS ANIMAL PERMIT**

An application for any permit required pursuant to Section 2-107 shall be made to the City Clerk in writing upon a form furnished by the City Clerk. Said application shall be verified by the

person who desires to have, keep, maintain or have in his/her possession or under his or her control, in the City, the animal for which a permit is required, and shall set forth the following:

- a) The name, address and telephone number of the applicant.
- b) The applicant's interest in such animal.
- c) The proposed location, and the name, address and telephone number of the owner of such location, and of the lessee, if any.
- d) The number and general disposition of all animals for which the permit is being sought.
- e) Any information known to the applicant concerning dangerous propensities of said animals.
- f) Housing arrangements for all said animals with particular details as to the safety, structure, locks, fences, warning sign, etc.
- g) Safety precautions proposed to be taken.
- h) Noises or odors anticipated in the keeping of such animals.
- i) The prior history of incidents involving the public health or safety involving any of said animals.
- j) A statement, signed by the applicant, indemnifying the City and its agents and employees for any and all injuries that may result from the animal.
- k) Proof of liability insurance, when a permit is issued in accordance with this Chapter and is for an animal deemed a "dangerous cat" or "dangerous dog", in the minimum amount of \$300,000 per occurrence covering any damage or injury which may be caused by such dangerous animal shall be required. The City shall be listed as certificate holder, and shall be required to be notified of any cancellation, termination or expiration of the liability insurance policy. The person responsible shall maintain the liability insurance required by this subsection at all times, unless and until the person responsible shall cease to own, harbor, shelter, keep, control, manage, or possess the dangerous animal.
- l) Any additional information required by the animal control officer or law enforcement officer authorized by the Chief or Police or his or her designee to enforce the provisions of this Chapter at the time of filing such application or thereafter. (Ord. 2368, Sec. 1, 2017)

## **2-118 PROVISIONS AND/OR REQUIREMENTS FOR KEEPING POTENTIALLY DANGEROUS AND DANGEROUS CATS OR DOGS**

The keeping of potentially dangerous and dangerous cats and dogs in the City shall be subject to, but not be limited to the following provisions and/or requirements:

- a) Leash and muzzle. An animal that has been declared to be a potentially dangerous or dangerous animal and is kept in this City will be required to be securely leashed and, in the case of dogs which have been declared dangerous, muzzled when it is taken outside of its area of confinement. The leash shall be no longer than four feet in length and under control of an adult capable of exercising control over the animal. The muzzling device must not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal
- b) Confinement.
  1. A dog that has been declared to be a potentially dangerous or dangerous animal shall be securely confined indoors or in a securely enclosed and locked pen or kennel; or in a yard fenced in a manner that prohibits escape, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used for confinement must be locked with a key or combination lock when such animals are within the structure. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

2. An cat which has been declared to be a potentially dangerous or dangerous animal shall be securely confined indoors at all times, except when secured on a leash or in a carrier for transport to the veterinarian.
- c) Confinement Indoors. No animal that has been declared to be a potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
  - d) Signs. All persons responsible for any dog that has been declared to be a dangerous dog must display in a prominent place on their premises a sign which shall be at least 10 inches by 14 inches using the words "Beware of Dog" in at least two-inch block letters. In addition, a similar sign is required to be posted on the kennel or pen of such animal, and on each entry point of fences that will be used to confine the dog.
  - e) Identification Photographs. All persons responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must provide to the City Clerk two color photographs of such animal clearly showing the general appearance, color and approximate size of the animal.
  - f) Microchip Identification. The person responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must have a microchip implanted in the animal for identification, and the name of the microchip manufacturer and the identification number of the microchip must be provided to the City Clerk.
  - g) Mandatory Spay and Neuter. All declared potentially dangerous and dangerous cats and or dogs shall be required to be spayed or neutered
  - h) Training. All declared potentially dangerous and dangerous dogs shall be required to be enrolled in a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), Veterinary Behaviorist certified through the American College of Veterinary Behaviorists (ACVB), or comparable certification. Upon successful completion of said program, verification must be provided to the City Clerk.
  - i) Reporting requirements. All persons responsible for any animal that has been declared to be a potentially dangerous or dangerous animal must provide written notification to the City Clerk at least ten days prior to any of the following situations:
    - 1. The removal from the City of such animal, and provide the City Clerk with the contact information of the new person responsible for such animal.
    - 2. The birth of offspring of such animal.
    - 3. The new address of the person responsible for such animal should the person responsible move within the corporate City limits.
    - 4. In the event of the death of such animal, the City Clerk must be notified in writing within ten days of the death.
  - j) Sale or Transfer Prohibited. No person shall sell, transfer, barter or in any other way dispose of a declared potentially dangerous or dangerous animal to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered person responsible for such animal; provided that the registered person responsible for such animal may sell or otherwise dispose of such animal to persons who do not reside within the City.
- (Ord. 2368, Sec. 1, 2017)

## **2-119 POTENTIALLY DANGEROUS OR DANGEROUS ANIMAL PERMIT FEE**

The fee for a potentially dangerous or dangerous animal permit application shall be adopted by the Governing Body and on record in the Office of the City Clerk. The fee will be based upon the number of potentially dangerous and dangerous animal permits being applied for and shall be non-refundable. The fee shall be payable to the City Clerk at the time of application. Accretions by natural birth shall not require additional permits during the period of a valid permit.

(Ord. 2368, Sec. 1, 2017)

## **2-120 TERM AND RENEWAL OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMAL PERMIT**

No potentially dangerous or dangerous animal permit required by this Chapter shall be granted for a period in excess of one year. An application for renewal of any such permit shall be made not less than forty-five (45) days prior to the expiration thereof, and shall be accompanied by the same fee as required upon making the original application.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-121 INSPECTIONS FOR RENEWAL**

The holder of a potentially dangerous or dangerous animal permit shall notify the City at least forty-five (45) days prior to the permit expiration date of any request for renewal. Prior to the annual renewal of any potentially dangerous or dangerous animal permit, an animal control officer or law enforcement officer shall inspect the premises subject to such permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this Chapter. If the animal control officer or law enforcement officer determines during any such inspection that any of the conditions therein specified are being violated, the officer shall recommend denial of a renewal of any such permit or shall recommend the immediate revocation of such permit in the event that such violation is not corrected within such period of time as the officer shall direct. Upon completion of the inspection process provided herein, the animal control officer or law enforcement officer shall report to the Municipal Court that the dangerous animal permit has been renewed, that the renewal application has been denied, or that the permit has been revoked. If the application is denied, or there is a revocation of a permit, a copy of the report shall be given to the person responsible for the potentially dangerous or dangerous animal. The report shall include the basis for the denial or revocation. The person responsible shall have the right to appeal the denial or revocation of permit to the Municipal Court. An appeal shall be taken by the filing of a written request for a review hearing with the Municipal Court within thirty (30) days of the denial or revocation of the permit. If an appeal is filed, the Municipal Court shall notify the animal control officer or law enforcement officer and City Prosecutor, by best means possible, that a hearing will be held within fourteen (14) days, at which time the person responsible must provide evidence of compliance with the conditions of this Chapter. The hearing shall be informal and shall be open to the public. The Municipal Court, after considering the evidence, shall issue its determination as to whether the permit should be renewed, denied or revoked. The determination of the Municipal Court shall be final.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-122 COLLAR OR HARNESS REQUIRED**

The person responsible for any cat or dog shall cause the same to wear a collar or harness outside the dwelling of the person responsible. The registration tag required in section 2-110 shall be securely affixed to the collar or harness of each cat or dog registered. The tags shall be situated on the collar or harness in such a manner that it may at all times be easily visible to law

enforcement officers or animal control officers of the City. Replacement tags shall be issued for a fee which is recorded in the City Clerk's office and may be changed from time to time. (Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-123 CAT AND DOG CONTROL**

- a) All cats must be under the control of the person responsible therefor at all times. For the purpose of this section, a cat shall be considered not under control and in violation of this section in the following situations:
  1. If a neighbor complains orally or in writing to the person responsible for a cat, that the cat is entering upon the neighbor's property, then the cat's presence on the neighbor's property at any time subsequent to the neighbor's complaint shall constitute a violation of this section;
  2. If a cat causes injury to persons or animals.
  3. If a cat causes damage to property off the property of the person responsible for such cat, to include, but not limited to, breaking, bruising, tearing up, digging up, crushing or injuring any lawn, garden, flower bed, plant, shrub or tree in any manner or defecating or urinating upon any private property.
- b) It is unlawful for the person responsible for any dog to permit such dog to run at large within the City. For the purpose of this section, a dog shall be considered running at large and in violation of this section in the following situations:
  1. If a dog is off the property of the person responsible for such dog, and is not firmly attached to a hand-held leash and under the physical control of the person responsible. Electronic collars may not be used to control a dog when off the property of the person responsible for such dog.
  2. If a dog is off the property of the person responsible for such dog, and is not prevented from making uninvited contact with humans or other animals. This includes a situation when a dog is secured on a leash.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 7, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-124 ELECTRONIC FENCES AND ELECTRONIC COLLARS**

Dogs may be confined to the residential property of the person responsible for such dogs by an electronic fence or an electronic collar. An electronic fence or electronic collar is defined as a fence or collar that controls the movement of the dog by emitting an electrical shock when the animal wearing the collar nears the boundary of such property. Dogs confined to residential property by an electronic fence or collar shall at all times be required to wear the collar or other required device which must be functional, and shall not be permitted to be nearer than 10 feet from any public walkway or street. All persons who use an electronic fence or an electronic collar shall clearly post their property to indicate to the public that such a fence or collar is in use. Electronic collars may not be used to control a dog when it is off the property of the person responsible for such dog. An electronic fence or electronic collar shall not be used to confine a potentially dangerous or dangerous dog.

(Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-125 PUBLIC NUISANCE**

- a) A Public Nuisance is any animal that:
  1. Materially damages private or public property;
  2. Scatters solid waste that is bagged or otherwise contained, or
  3. Excessively barks, whines, howls, or creates any other disturbance which is continuous or during times covered by the City Noise Ordinance (12:00am to

9:00am Friday-Saturday, 11:00pm to 7:00am Sunday-Thursday) (disturbance factors include, but not limited to, time of day, volume, length of time, etc.). If the violation is not witnessed by the animal control officer and/or law enforcement officer, the complainant making such statement must agree to sign a complaint and testify in court if requested.

- b) It is unlawful for the person responsible for any animal to negligently, carelessly, willfully or maliciously permit such animal to become a public nuisance.
- c) Anyone having the authority of an animal control officer, including but not limited to law enforcement officers, is given the authority to seize and impound any animal which is a public nuisance as defined by this section.

(Ord. 2213, Sec. 4, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-126 UNLAWFUL TO HARBOR OR KEEP ANY ANIMAL WITHOUT PROPER AND NECESSARY PRECAUTIONS**

- a) Any person responsible for an animal within the City shall take all proper and necessary precautions to ensure and promote conditions that restrict the animal when unleashed to such person's property and prevent injury to other humans, domestic animals and/or damage to property.
- b) No person responsible for an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, and compatible with the condition, age and species. An animal must also have the opportunity for adequate daily exercise. This requires that the person responsible must offer some freedom from continuous chaining and tethering.

(Ord. 1562 (part), 1985; Ord. 1809, Sec. 1, 1992; Ord. 2106 (part), 2005; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-127 TETHERING**

- a) It is unlawful to attach chains or other tethers, restraints or implements directly to a dog without the proper use of a collar, harness or other device designed for that purpose and made from a material that prevents injury to the dog.
- b) It is unlawful for any person to:
  - 1. Continuously tether a dog for more than one continuous hour. A dog may be tethered 3 hours total within a 24 hour time period providing there is a 3 hour break between each period of tethered time. For the purpose of tethering a dog, a chain, leash, rope or tether must be at least ten feet in length.
  - 2. Use a chain, leash, rope, collaring device, tether, which restricts the free movement of the animal (i.e. the device should not weigh more than one eighth of the animal's body weight).
  - 3. Tether a dog in such a manner as to cause injury or strangulation, or entanglement of the dog on fences, trees, posts or other manmade or natural obstacles.
  - 4. Tethered for any length of time anywhere in the City when they are off the property of the person responsible for such animal.
  - 5. Tether without providing adequate care, food, shelter, and water as outlined in sections 2-126 and 2-128.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2268, Sec. 1, 2013; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-128 CRUELTY TO ANIMALS**

Cruelty to Animals shall be defined as:

- a) Intentionally killing, injuring, maiming, torturing, mutilating, beating, or overworking any animal; this includes, but is not limited to, administering any poisonous substance with the intent that the same shall be taken or swallowed by any animal;
- b) Acting or failing to act when the act or failure to act causes or permits pain or suffering to such animal;
- c) Abandoning or leaving any animal in any place or releasing or dumping an animal from a vehicle without making provisions for its proper care; in addition, "abandon" means for the person responsible to leave an animal without demonstrated or apparent intent to recover or resume custody; to leave an animal for more than twenty-four hours without providing adequate food and shelter for the duration of the absence; or to turn out or release an animal for the purpose of causing it to be impounded;
- d) Failing to provide adequate care, adequate food, adequate health care, adequate shelter, or adequate water; or
- e) Failing to provide veterinary care when needed to treat injury or illness unless the animal is promptly destroyed in a humane manner.

*The provisions of this section shall not apply to:*

1. Normal or accepted veterinary practices;
2. Bona fide experiments carried on by recognized research facilities;
3. Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;
4. Rodeo practices accepted by the Rodeo Cowboys' Association;
5. The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the person responsible or the agent of such person residing outside of a City or the person responsible therefor within a City if no animal shelter, pound or licensed veterinarian is within the City, or by a licensed veterinarian at the request of the person responsible therefor, or by any officer or agent of any incorporated humane society, the operator of an animal shelter or pound, public health officer or licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;
6. With respect to farm animals, normal or accepted practices of animal husbandry;
7. The killing of any animal by any person at any time which may be found outside of the owned or rented property of the person responsible for such animal and which is found injuring or posing an immediate threat to any person, farm or domestic animal or property, or
8. An animal control officer trained in the use of a tranquilizer gun, using such gun with the estimated dosage for the size of the animal, when such animal is vicious, a threat to public safety or themselves or could not be captured after reasonable attempts using other methods.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 3, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-129 AUTHORITY OF ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER TO RESCUE AN ENDANGERED ANIMAL**

- a) Whenever an animal is found confined and/or unattended in a motor vehicle or other location, which subjects it to certain weather conditions that endangers its life as determined by the animal control officer or law enforcement officer, the animal control officer may enter such vehicle or property with the assistance from the police for the

purpose of rescuing such animal, and transporting it to a shelter house designated by the Governing Body for treatment, boarding, or care. A written notice shall be left on or in the motor vehicle or other applicable property advising that the animal has been removed under authority of this section and the location where the animal has been impounded.

- b) Nothing in this section shall be deemed to prevent the animal control officer law enforcement officer from entering upon property without consent when the condition or animal is found in plain sight and not within a private structure or under conditions constituting an emergency.
- c) No animal control officer or law enforcement officer shall be held criminally or civilly liable for action under this section, provided the officer acts lawfully, in good faith, on probable cause and without malice.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 3, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-130 SEIZURE PROHIBITED ANIMALS**

- a) Upon the written complaint of any person that a person owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal prohibited by this Chapter, the animal control officer or a law enforcement officer shall conduct an investigation and if the investigation reveals evidence that indicates that such person named in the complaint in fact owns, harbors, shelters, keeps, controls, manages, or possesses, within the City, an animal prohibited by this Chapter, the animal control officer or law enforcement officer shall forthwith send written notice to such person requiring such person to safely remove said animal from the City within three (3) days of the date of said notice. Notice as herein provided shall not be required where such animal has previously caused serious physical harm or death to any person or has escaped and is at large, in which case the animal control officer or law enforcement officer shall cause said animal to be immediately seized and impounded or killed, if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- b) The animal control officer or law enforcement officer shall forthwith cause to be seized and impounded any animal prohibited by this Chapter where the person responsible therefor has failed to comply with the notice sent. Upon a seizure and impoundment said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals. If during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, the animal control officer or law enforcement officer may render said animal immobile by means of tranquilizers or other safe drugs, or if that is not safely possible, then said animal may be killed.
- c) Any reasonable costs incurred by the animal control officer or law enforcement officer in seizing, impounding and for confining any animal prohibited in the City by this Chapter shall be charged against the person responsible for such animal. Such charges shall be in addition to any fine or penalty provided for violating this Chapter.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-131 SEIZURE PERMITTED ANIMALS**

- a) Any animal control officer, law enforcement officer or other person designated by the Governing Body of the City is authorized to capture any dog found running at large in violation of section 2-123 and any cat which is not under control as defined in section 2-

123 and place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to or in lieu of seizing the cat or dog, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating section 2-123 of this Chapter.

- b) Any animal control officer, law enforcement officer or other person designated by the Governing Body of the City is authorized to capture any animal which is a public nuisance as defined by section 2-125 and place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to or in lieu of seizing the animal, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating section 2-125 of this Chapter.
- c) An animal control officer or law enforcement officer shall forthwith cause to be seized and impounded any potentially dangerous or dangerous animal, when the person responsible for such animal has failed to comply with the requirements of this Chapter relating to permitting and keeping potentially dangerous or dangerous cats and dogs. Such officer may place such animal in an animal shelter designated by the Governing Body for that purpose. In addition to seizing the animal, the animal control officer, law enforcement officer or City Prosecutor may charge the person responsible for such animal with violating the requirements of this Chapter relating to permitting and keeping potentially dangerous or dangerous cats and dogs. If during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, or the animal is considered a threat to public safety by the animal control officer or any law enforcement officer, such officer may render said animal immobile by means of tranquilizers or other safe drugs; or if that is not safely possible, then said animal may be destroyed.
- d) Any reasonable costs incurred by the animal control officer or law enforcement officer in seizing, impounding and for confining any animal permitted in the City by this Chapter shall be charged against the person responsible for such animal. Such charges shall be in addition to any fine or penalty provided for violating this Chapter, and payment of such charges shall be a condition to the redemption and release to persons responsible for such animals.

(Ord. 1562 (part), 1985; Ord. 1776, Sec. 2, 1991; Ord. 1779, Sec. 2, 1991; Ord. 1860, Sec. 1, 1994; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-132 PROCEDURE FOR FAILURE TO REDEEM**

Any animal captured or apprehended under the terms and conditions of this Chapter shall be held in a shelter approved by the City for a period of three (3) business days from the date of impoundment, such period of time beginning at nine a.m. the morning following the day of impoundment. If the person responsible does not reclaim his or her animal during the period specified in the preceding sentence, or if the animal control officer or animal shelter is unable to locate and notify the person responsible after making a good faith effort to do so within the three (3) business day period then the animal becomes the property of the intake facility.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-133 PRESENTATION OF ANIMAL**

The person responsible for any animal shall physically produce the animal for observation, identification or inspection when requested to do so by an animal control officer or law enforcement officer investigating a violation of the animal control and/or welfare laws of the City, provided the officer has probable cause to believe a crime or violation of the animal control laws has been committed. Failure to do so is a violation of this section.

(Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-134 DUTY TO REPORT ANIMAL BITES AND SCRATCHES**

When any animal, while within the boundaries of the City, inflicts an animal bite on any person or domestic animal, or when an animal is suspected of having rabies; it shall be the duty of any person having knowledge of such facts to report the same immediately, or as soon as practicable, to the Police Department or the animal control officer.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## **2-135 ANIMAL BITE PROCEDURE**

- a) Except as provided in subsection (e) of this section, an animal which inflicts an animal bite on any person or domestic animal shall immediately, or as soon as practicable, be quarantined at the expense of the person responsible for such animal with a licensed veterinarian of such person's choice or with the City's approved animal shelter for a period of not less than ten (10) days nor more than twelve (12) days.
- b) If the person responsible for the animal cannot be immediately notified, City personnel shall immediately, or as soon as practicable, impound such animal with a City approved shelter, at the expense of the person responsible, for a period of not less than ten (10) days nor more than twelve (10) days. If the address of the person responsible for the animal can be determined, the animal control officer or Police Department shall make a reasonable effort to notify such person that said animal is impounded under the provisions of this section and that such person has the right to redeem the animal at the expiration of confinement upon the payment of impoundment fees, any veterinarian fees, and any license and penalty fees then due and owing to the City.
- c) In the event the original place of impoundment is not the choice of the person responsible for such animal, such person may cause the animal's place of impoundment to be changed to a licensed veterinarian of such person's choice; provided all other provisions of this Chapter are complied with. The total period of confinement of the animal at the one or more locations is to be for a period of not less than ten (10) days nor more than twelve (12) days.
- d) The veterinarian or City approved shelter with whom the animal is impounded, shall give immediate written notice to the Chief of Police that such animal has been confined and will be confined for not less than ten (10) days no more than twelve (12) days. At the expiration of the aforesaid confinement period, the veterinarian or City approved shelter shall give immediate written notice to the Chief of Police as to the health of such animal pertaining to the diagnosis of rabies.
- e) In the event the investigating officer determines that the animal had an effective rabies inoculation, and was duly licensed under this Chapter at the time of the injury, or the animal had an effective rabies inoculation and caused bite or injury to an immediate family member, and agrees to obtain a City license for the animal prior to the completion of rabies observation, provided both the victim and person responsible agree, then the animal need not be impounded in accordance with subsection (a) of this section but the following alternative procedure shall be followed:
  1. If the injured person, his parent, or guardian desires that the animal be impounded and agrees in writing to pay for its board during the period of impoundment, it shall be so impounded for the period specified in subsection (a) of this section notwithstanding any other provision of this Chapter.
  2. If the injured party, his parent, or guardian is unwilling to agree in writing to pay for the animal's board during the period of impoundment, the animal shall be

permitted to remain confined in the residence or enclosed yard of the person responsible; provided no animal shall be allowed to remain on the property of the person responsible therefor under this section unless such person signs a written agreement to keep the animal on the property in confinement for the period specified in subsection (a) of this section and further agrees to allow the animal to be examined periodically to determine its physical condition during the confinement period. At the end of the observation period, the animal control officer may require that a licensed veterinarian examine the animal and furnish written notification to the animal control officer regarding the animal's health. All costs associated with the exam are the responsibility of the person responsible. If the person responsible for such animal is unwilling to sign such an agreement, the animal shall be immediately, or as soon as practicable, impounded in accordance with subsection (a) of this section.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-136 ANIMAL BITE VIOLATION**

Persons who are responsible for or in control of animals in the City shall prevent such animals from inflicting animal bites on any person or domestic animal. It shall be a violation of this section by the person responsible for or in control of an animal if the animal, when unprovoked, inflicts an animal bite on any person or domestic animal. (Ord. 2368, Sec. 1, 2017)

### **2-137 DISEASE CONTROL**

- a) When rabies or other communicable diseases associated with animals are known to exist in the community, or when they are known to exist in neighboring communities the Mayor may declare a quarantine of any or all animals. It shall be the duty of the person responsible for such animal to keep such animal confined to the premises of the person responsible therefor and under control. For the purposes of this section, animals are not to be considered confined to the premises of the residential property the person responsible therefor if the only restraining device is an invisible electric fence.
- b) It shall be the duty of all animal control officers or law enforcement officers, or those having the authority of law enforcement officers to enforce such quarantine. The Mayor and Chief of Police shall have a right to deputize other persons as needed. Such deputized persons need not seize such animals, but shall aid in determining the person responsible to the end that warrants of arrest can be issued against violating persons responsible.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-138 REMOVAL OF ANIMAL FECES**

- a) Any person in charge of an animal, when such animal is off the property of the person responsible therefor, shall be responsible for the removal of any feces deposited by such animals on public walks, streets, recreation areas, or private property, and it shall be a violation of this provision for such person to fail to remove or provide for the removal of such feces before the animal leaves the immediate area where such defecation occurred.
- b) It shall be unlawful for any person to dispose of removed feces by intentionally or recklessly depositing, or causing to be deposited, feces removed pursuant to this section into, upon or about any public place, or any private property without the consent of the owner or occupant of the property.

(Ord. 1921, Sec. 1, 1997; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-139 REMOVAL OF DEAD ANIMAL**

It shall be the responsibility of the person responsible for a deceased animal to provide for its removal from private property. (Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### **2-140 FEES TO GENERAL FUND**

All fees, charges and penalties paid to or collected by any officers of the City under or pursuant to the provisions of this Chapter shall be paid over to the City Treasurer and credited to the general operating fund.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-141 ENFORCEMENT**

It is the duty of the animal control officer or anyone having the authority of an animal control officer, including but not limited to law enforcement officers, to enforce the terms and provisions of this Chapter and the Mayor or the Chief of Police may appoint by and with the consent of the Governing Body some suitable person to be known as an animal control officer whose duties it shall be to assist in the enforcement of this Chapter and to work under an immediate supervision and direction of the Police Department. Anyone having the authority of an animal control officer is given the authority to seize any animal found outside the City limits when he/she has reasonable grounds to believe said animal committed any act within the City which is prohibited by the provisions of this Chapter or which subjects said animal to seizure if found within the City. Any private person may, upon signed complaint, bring charges against any person responsible for an animal for the violation of any of the provisions of this Chapter.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

### **2-142 BEEKEEPING**

Any person keeping bees shall comply with the following:

- a) Minimize swarming of bees;
- b) Provide and maintain a source of water located on the premises;
- c) Maintain no more than two (2) hives per property/lot;
- d) Hives will be located only within a fenced back yard. The minimum height of fence will be 42 inches. A flyway structure/barrier (shrubbery or fencing) is necessary if the exterior fence is less than 6 feet in height;
- e) Hives will be maintained at least ten (10) feet from all property lines; and
- f) Maintain and manage such boxes or hives so as not to create a nuisance by any of the following circumstances: unhealthy condition(s), interfere with the normal use and enjoyment of human or animal life, or interfere with the normal use and enjoyment of any public property or private property of others.
- g) Remove hives if established guidelines are not maintained as determined by Codes or animal control officers.

(Ord. 2325, Sec. 1, 2015; Ord. 2368, Sec. 1, 2017)

### **2-143 VIOLATION – PENALTY**

- a) It is unlawful for any person to violate any of the provisions of this Chapter. Any person convicted of the violation of any provision of this Chapter where a specific penalty is not otherwise prescribed shall be fined up to \$1,000 or 30 days imprisonment, or a

combination of fine and imprisonment. Upon conviction, the Municipal Court may order restitution be paid to the victim of the violation.

- b) Each day any violation of this Chapter to which this penalty applies continues constitutes a separate offense.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

#### **2-144 NUISANCE, INJUNCTION**

In addition to any other relief provided by this Chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. Such application for relieve may include the seeking of temporary and permanent injunctive relief.

#### **2-145 SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof.

(Ord. 1562 (part), 1985; Ord. 2091 (part), 2005; Ord. 2106 (part), 2005; Ord. 2213, Sec. 8, 2009; Ord. 2325, Sec. 1, 2015, Ord. 2368, Sec. 1, 2017)

## ARTICLES IN MEDICAL JOURNALS

A list of studies largely in medical journals examining (1) nonfatal dog bite injuries in Level 1 trauma centers, (2) fatal dog bite injury studies, (3) government studies and (4) breed-safety law studies

Compiled by Responsible Citizens for Public Safety, <https://www.rc4ps.org>

Last updated: October 20<sup>th</sup>, 2019

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2019

**Journal of Oral and Maxillofacial Surgery, September 2019**

“Children have an Increased Risk for Periorbital Dog Bite Injuries”

Hurst P.J., Hoon Hwang M.J., Dodson T.B., Dillon J.K.

Findings: The pit bull was the most commonly named breed to be involved in both pediatric (18%) and adult (26.2%) injuries.

**The Journal of craniofacial surgery, May 2019**

“Epidemiology, Socioeconomic Analysis, and Specialist Involvement in Dog Bite Wounds in Adults.”

Lee C.J., Santos P.J.F., Vyas R.M.

Findings: “The most common breed of dog identified was pit bull (n = 29, 47.5%). The majority of pit bull attacks involved the extremities (65.5%) compared to other breeds of dogs. Pit bull victims were noted to have a lower average annual income compared to other breed victims ...”

**Acta Paediatrica, May 2019**

“Dog bites in a U.S. county: age, body part and breed in paediatric dog bites”

Ramgopal S., Brungo L.B., Bykowski M.R., Pitetti R.D., Hickey R.W.

Findings: A review of 14,956 dog bites 2007-2015 showed ‘Pit bulls’ accounted for 27.2% of dog bites and were more common in children 13–18 years.

**International Journal of Pediatric Otorhinolaryngology, February 2019**

“Dog bite injuries to the face: Is there risk with breed ownership? A systematic review with meta-analysis”

Garth F. Essig, Cameron Sheehan, Shefali Rikhi, Charles A. Elmaraghy and J. Jared Christophel

Findings: “Injuries from pit bulls and mixed [pit bull] breed dogs were both more frequent and severe. Potential dog owners can utilize this data when assessing which breed to own... We recommend separating children from high-risk breeds and high-risk phenotypes reported in this study...”

**Canadian Journal of Emergency Medicine, January 2019**

“Dog bites in the emergency department: a descriptive analysis”

Morzycki A., Simpson A., Williams J.

Findings: A total of 475 dog bites were identified in Halifax, Nova Scotia region hospitals. Pit-bull type was the most frequently implicated breed (27%). (The study touches largely on adults: “Few pediatric patients were identified... they were often transferred to the pediatric hospital after triage.”)

“American figures show an increase in insurance claims [for dog bites], secondary to treatment and legal ramifications, from US\$324 million to US\$478 million in less than a decade, a number that is likely to rise. Similarly, dog bite injuries pose a significant cost to Canadian health care. Even with the majority of our cases being treated with a dressing alone in the ED, this puts an added burden on a strained system. From our institutional estimates, the cost of simple dog bites over a 30-month period exceeded CDN\$150,000. If patient-related costs, including permanent disability and lost income, are also considered, these figures would further increase. Likewise, in the case of complex trauma and infection requiring specialty consultation, intravenous antibiotics, multiple emergency visits, and/or operative management, these conservative estimates may be surpassed.... pit bull-type dogs have been shown to cause the greatest number and most severe soft tissue injuries, unprovoked in nearly all cases.”

2018

**Plastic Surgery, November 2018**

“Are Dog Bites a Problem of Nature or Nurture?”

Tang J., Arneja J.S.

Findings: Pit bull attacks account for higher morbidity rates, higher hospital charges, and a higher risk of death than attacks from other dog breeds.

**Journal of Pediatric Surgery, October, 2018**

“Pediatric Dog Bite Injuries in Central Texas.”

Abraham J.T., Czerwinski M.

Findings: “Pet dogs were responsible for 42% of injuries, and pit bull was the most-identified breed (36.2%).”

**Southern Medical Journal, August 2018**

“Characteristics of Dog Bites in Arkansas”

Smith A.M., Carlson J., Bartels A.B., McLeod C.B., Golinko M.S.

Findings: “...family dogs represent a more significant threat than often is realized and that, among the breeds identified, pit bulls are proportionally linked with more severe bite injuries.”

**Journal of Orthopaedic Trauma, May 2018**

“Dogs and Orthopaedic Injuries: Is There a Correlation to Breed?”

Brice J., Lindvall E., Hoekzema N., Husak L.

Findings: “Pit bull terrier bites were responsible for a significantly higher number of orthopaedic injuries and resulted in an amputation and/or bony injury in 66% of patients treated...”

**Journal of the American Veterinary Medical Association, February 2018**

“Retrospective analysis of necropsy reports from 2001-2012 suggestive of abuse in dogs and cats.”

Findings: Pit bull-type dogs (29/73 or 40%) were overrepresented in several abuse categories, such as gunshot and blunt-force trauma. This supports legislation for mandatory spay/neuter of these dogs to reduce suffering.

2017

**International Journal of Surgery Case Reports, December 2017**

“Pit bull attack causing limb threatening vascular trauma - A case series.”

Harnarayan P., Islam S., Ramsingh C., Naraynsingh V.

Findings: Attacks by pit bull terriers are more likely to cause severe morbidity than other breeds of dogs.

**American Society of Plastic Surgeons, October 2017**

“An algorithmic approach to operative management of complex pediatric dog bites: A 3 Year Review of a Level I Regional Referral Pediatric Trauma Hospital.”

Kaveh Alizadeh, MD, MSc, FACS, Ali Shayesteh, MD, and Min Li Xu, MD

Findings: Of the 56 cases that identified dog breed, pit bulls accounted for 48.2 percent of the dog bites, and 47.8 percent of pit bull bites required intervention in the operating room.

“About 17 different breeds of dogs were identified in the study. Of the 56 cases that had an identified dog breed, pit bulls accounted for 48.2% of the dog bites. Other common offending breeds include German Shepard (8.9%), Husky (5.3%), and small terriers (5.3%). More importantly, 47.8% of pit bull injuries required operative repair, which was 3 times more than other breeds.”

**Journal of Neural Surgery. Pediatrics, January 2017.**

“Neurosurgical sequelae of domestic dog attacks in children.”

Kumar R., Deleyiannis F.W., Wilkinson C., O'Neill B.R.

A retrospective review of all children requiring neurosurgical consultation for dog bite at a regional Level 1 pediatric trauma center over a 15-year period.

Finding: Dog attacks on children requiring neurosurgical consultation commonly involve the family pet, which is usually a large-breed dog with no history of prior aggression.

2016

**Clinical Pediatrics, July 2016**

“Characteristics of 1616 consecutive dog bite injuries at a single institution.”

Michael Golinko, Brian Arslanian, and Joseph K. Williams.

Findings: Pit bull bites were implicated in half of all surgeries and over 2.5 times as likely to bite in multiple anatomic locations as compared to other breeds.

**Ophthalmic Plastic and Reconstructive Surgery, July / August 2016**

“Ocular Trauma From Dog Bites: Characterizations, Associations, and Treatment Patterns at a Regional Level 1 Trauma Center Over 11 Years”

Mark A. Prendes, MD, Arash Jian-Amadi, MD, Shu-Hong Chang, MD and Solomon S. Shaftel, MD, PhD

Findings: Pit bulls were the most frequent breed associated with ocular injuries from dog bites.

“To our knowledge, this study is the largest to date to report the incident and characteristics of ocular injury sustained from dog bites. These injuries were disproportionately more common in children...Importantly, this study establishes that pit bulls are the most frequent breed associated with ocular injuries from dog bites.”

2015

**American Journal of Otolaryngology, January / February 2015**

“Dog bites of the head and neck: An evaluation of common pediatric trauma.”

Daniel C. O'Brien, BS, Tyler B Andre, MD, Aaron D. Robinson, MD, Lane D. Squires, MD and Travis T. Tollefson, MD, MPH

Findings: One-third of 334 dog bite cases were by pit bulls, and bites from pit bulls more severe than other dogs.

“Although a number of dog breeds were identified, the largest group were pit bull terriers, whose resultant injuries were more severe and resulted from unprovoked, unknown dogs.”

### **Journal of Pediatric Surgery, February 2015**

“Morbidity of pediatric dog bites: a case series at a level one pediatric trauma center.”

Garvey E.M., Twitchell D.K., Ragar R., Egan J.C., Jamshidi R.

Findings: Of 650 dog bite incidents, pit bulls were most frequently responsible for pediatric dog bites, accounting for 39% of incidents where breed was documented.

“Pediatric dog bites span a wide range of ages, frequently require operative intervention, and can cause severe morbidity. Dog familiarity did not confer safety, and in this series, pit bulls were most frequently responsible. These findings have great relevance for child safety.”

## 2012

### **Ophthalmic Plastic Surgery, June 2012**

“Periorbital trauma from pit bull terrier attacks.”

Wladis E.J., Dewan M.A.

Findings: In the ophthalmic setting, pit bull terrier attacks most frequently involve children and result in eyelid lacerations.

### **Injury Prevention, June 2012**

“Effectiveness of breed-specific legislation in decreasing the incidence of dog-bite injury hospitalizations in people in the Canadian province of Manitoba.”

Malathi Raghavan, Patricia J. Martens, Dan Chateau and Charles Burchill

Findings: A 20% decrease in the number of hospitalizations caused by dog bites for the 16 regions within the province that had enacted breed-specific legislation.

### **Journal of Forensic Sciences, March 2012**

“Animal Related Fatalities - Part I: Characteristic Autopsy Findings and Variable Causes of Death Associated with Blunt and Sharp Trauma.”

Bury D., Langlois N., Byard R.W.

Findings: In a study of carnivore bites from dogs with a "hole and tear" pattern of wounding, pit bulls were involved in 42-45% of attacks.

## 2011

### **The West Virginia Medical Journal, November / December 2011**

“Dog bites of the face, head and neck in children.”

Horswell B.B., Chahine C.J.

Findings: More severe bites and injuries were observed in attacks from the pit-bull and Rottweiler breeds.

### **Anal of Surgery, April 2011**

“Mortality, Mauling, and Maiming by Vicious Dogs.”

John K. Bini, MD, Stephen M. Cohn, MD, Shirley M. Acosta, RN, BSN, Marilyn J. McFarland, RN, MS, Mark T. Muir, MD, and Joel E. Michalek, PhD; for the TRISAT Clinical Trials Group

Findings: In a 15 year review, attacks by pit bulls associated with higher morbidity rates, higher hospital charges, a higher risk of death than are attacks by other breeds of dogs.

“Attacks by pit bulls are associated with higher morbidity rates, higher hospital charges, and a higher risk of death than are attacks by other breeds of dogs. Strict regulation of pit bulls may substantially reduce the US mortality rates related to dog bites.”

2009

### **American Journal of Forensic Medicine and Pathology, September 2009**

“Dog Bite-Related Fatalities: A 15-Year Review of Kentucky Medical Examiner Cases

Findings: Pit bulls implicated in 45% of fatal attacks in a 15-year review.”

Lisa B.E. Shields, Mark L. Bernstein, John Hunsaker III, and Donna M. Stewart

Findings: According to The Humane Society of the United States, more than 300 individuals died of dog attacks in the United States between 1979 and 1996. Children <12 and elders >70 years represent the typical victims. Pit bull-type dogs, Rottweilers, and German Shepherds constitute the majority of canines implicated in these fatalities.

### **American Society of Plastic Surgeons, August 2009**

“Pediatric dog bite injuries: a 5-year review of the experience at the Children's Hospital of Philadelphia.”

Kaye A.E., Belz J.M., Kirschner R.E.

Findings: In a 5-year review of 239 patients, 137 or 51% were attacked by pit bulls.

“The most common breeds included pit bull terriers (50.9 percent), Rottweilers (8.9 percent), and mixed breeds of the two aforementioned breeds (6 percent).”

2008

**American Association of Plastic Surgeons, April 2008**

“A ten-year, two-institution review of pediatric dog attacks: Advocating for a nationwide prohibition of dangerous dogs.”

Kara Pappas, B.S., William Huettner, M.D., Arlene A. Rozzelle, M.D., Gurbalbir Singh, M.D., FRCSC.

87th Annual Meeting, Boston. Poster.

Findings: From a review of 109 patients, 57% of dogs were deemed to be of a dangerous breed (Pit Bull or Rottweiler). “organizational advocacy in plastic surgery should be directed towards a national prohibition of dangerous dogs.”

2007

**The American Journal of Forensic Medicine and Pathology, December 2007**

“Pitbull Mauling Deaths in Detroit.”

Cheryl L. Loewe, MD, Francisco J. Diaz, MD, and John Bechinski, DO

Finding: There is a tendency for pit bulls to attack the neck region and destroy the blood vessels of the neck and cause extensive avulsions of the scalp and ears.

2000

**Journal of the American Veterinary Medical Association, September 2000**

“Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998.”

Sacks, J.J., Sinclair, L., Gilchrist, J., Golab, G.C., Lockwood, R.

Findings: Fatal attacks appear to be a breed-specific problem to pit bull-type dogs and Rottweilers.

1998

**Journal of the American Medical Association, January 1998**

“Incidence of dog bite injuries treated in emergency departments.”

Harold B. Weiss, MS, MPH; Deborah I. Friedman; Jeffrey H. Coben, MD

This large epidemiologic study provides quantitative information about the incidence of dog bite injuries treated in the emergency departments across the US, 1992–1994, demonstrating the costly burden of dog-bite injuries on the health care system.

1996

**Pediatrics (American Academy of Pediatrics), June 1996**

“Fatal Dog Attacks, 1989-1994.”

Sacks J.J., Lockwood R., Hornreich J., Sattin R.W.

Findings: Pit bulls were involved in 24 deaths out of 109 dog bite-related fatalities.

1991

**Pediatrics (American Academy of Pediatrics), July 1991**

“Dog Bites in Urban Children.”

Jeffrey R. Avner and M. Douglas Baker

Findings: Significantly more pit bull injuries (94%) were the consequence of unprovoked attacks.

1989

**Journal of the American Medical Association, September 1989**

“Dog Bite-Related Fatalities from 1979 through 1988.”

Sacks J.J., Sattin R.W., Bonzo S.E.

Findings: Pit bull breeds were involved in 41.6% of 101 deaths where dog breed was reported.

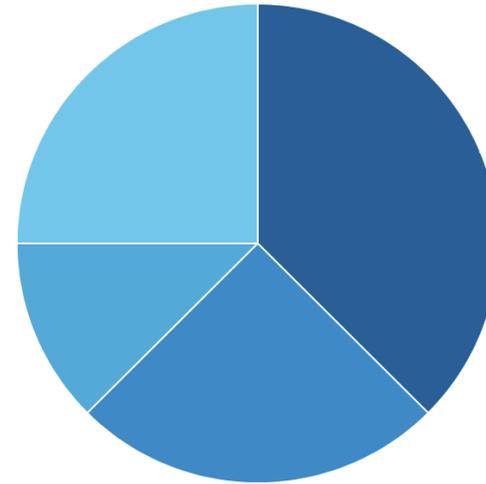
WHAT KIND OF DOG IS IT?

THIS IS WILBER!  
ISN'T HE ADORABLE?





## WILBUR'S BREED BY PERCENTAGE



- 37.5% Shih Tzu
- 25% Poodle (Miniature)
- 12.5% American Staffordshire T...
- 25% Breed Group(s)
  - Hound
  - Sporting
  - Terrier
  - Herding
  - Companion

Exciting news, the results are in! Here's what makes Wilbur so unique. Using the data generated from Wilbur's DNA, our

WILBER IS 12.5% STAFFORDSHIRE TERRIER – WHICH OUR ORDINANCE CALLS A “PIT BULL”. IS HE INHERENTLY DANGEROUS?

# "PIT BULL" LABEL OFTEN WRONG, DNA TESTING SHOWS

Thousands of dogs each year are designated "pit bulls" or "pit bull mixes" at the Lucas County Dog Warden's pound on Erie Street near downtown Toledo. The label virtually assures a trip to the kill room at the pound, with only a few of the luckier dogs given a chance for adoption through the Toledo Humane Society. The Blade commissioned DNA tests on six alleged "pit bulls" that were transferred from the pound to the Humane Society to the Lucas County Pit Crew, a "pit-bull" rescue group that finds homes for unwanted dogs. To be considered "pit bulls" the dogs needed to have American Staffordshire terrier or Staffordshire bull terrier in their genetic mix. The DNA test results showed that of the six dogs tested only one was majority "pit bull," with two others having some "pit." Half the group, or three dogs, had no "pit bull" in them at all.

**No Pit**



**BANDIT**  
Boxer/Scottish terrier mix  
crossed with a Chinook mix



The five most likely breeds contributing to Bandit's mixed breed ancestry are:

- Doberman pinscher..... 11.85%
- Black Russian terrier ..... 7.98%
- Irish setter..... 7.91%
- Glen of Imaal terrier ..... 5.35%
- Dogue de Bordeaux..... 5.07%

**No Pit**



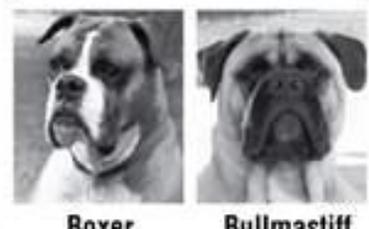
**CARLY**  
American bulldog crossed  
with American Eskimo dog



**No Pit**



**LUCAS**  
Boxer mix crossed with  
bullmastiff mix



The five most likely breeds contributing to Lucas' mixed breed ancestry are:

- American bulldog..... 21.29%
- Pembroke Welsh Corgi .... 8.83%
- Belgian Malinois..... 7.09%
- Norfolk terrier..... 5.29%
- Whippet..... 4.85%

**Some Pit**



**JAZMINE**  
Catahoula leopard dog/  
Rottweiler cross crossed with  
American Staffordshire terrier



**Some Pit**



**ELLIE MAE**  
American Staffordshire terrier  
crossed with mixed breed



The five most likely breeds contributing to Ellie Mae's mixed breed ancestry are:

- English cocker spaniel ..... 4.45%
- Labrador retriever ..... 1.62%
- Glen of Imaal terrier ..... 0.99%
- Boston terrier ..... 0.92%
- Border terrier ..... 0.85%

**Mostly Pit**



**WYCKLIFFE**  
Miniature schnauzer/  
Staffordshire bull terrier cross  
crossed with  
American Staffordshire terrier



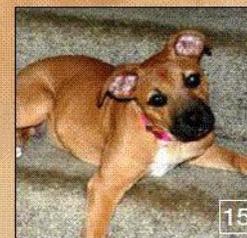
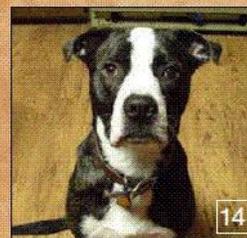
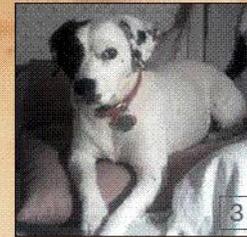
# WHICH THREE DOGS ARE "PIT BULL" MIXES?

(NATIONAL CANINE RESEARCH  
COUNCIL)

# ALL OF THESE DOGS ARE MIXED BREED DOGS

CAN YOU GUESS THE MIX OF BREEDS?

EACH OF THESE DOGS WAS GIVEN A BLOOD-BASED DNA TEST\* TO DETERMINE MIX OF BREEDS  
ONLY THREE OF THESE DOGS ARE "PIT BULL" MIXES

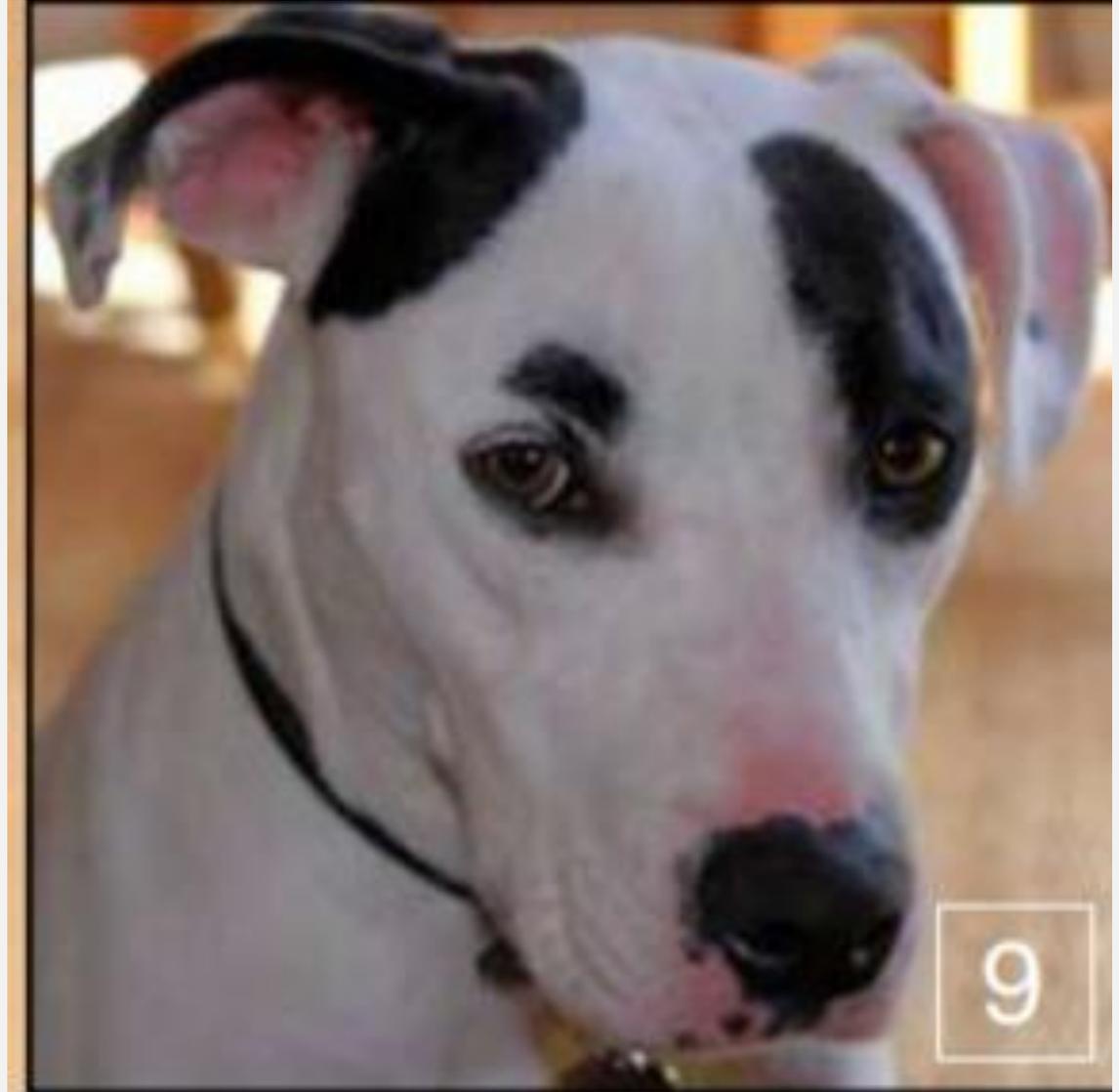


\*Tested with Mars Wisdom Panel™ MX by their owners: [www.wisdompanel.com](http://www.wisdompanel.com)  
Significant 50% or more, Some 25%-49%, Distant 12.5%-24%

#9

**Significant (50%)**

American Staffordshire Terrier



#7

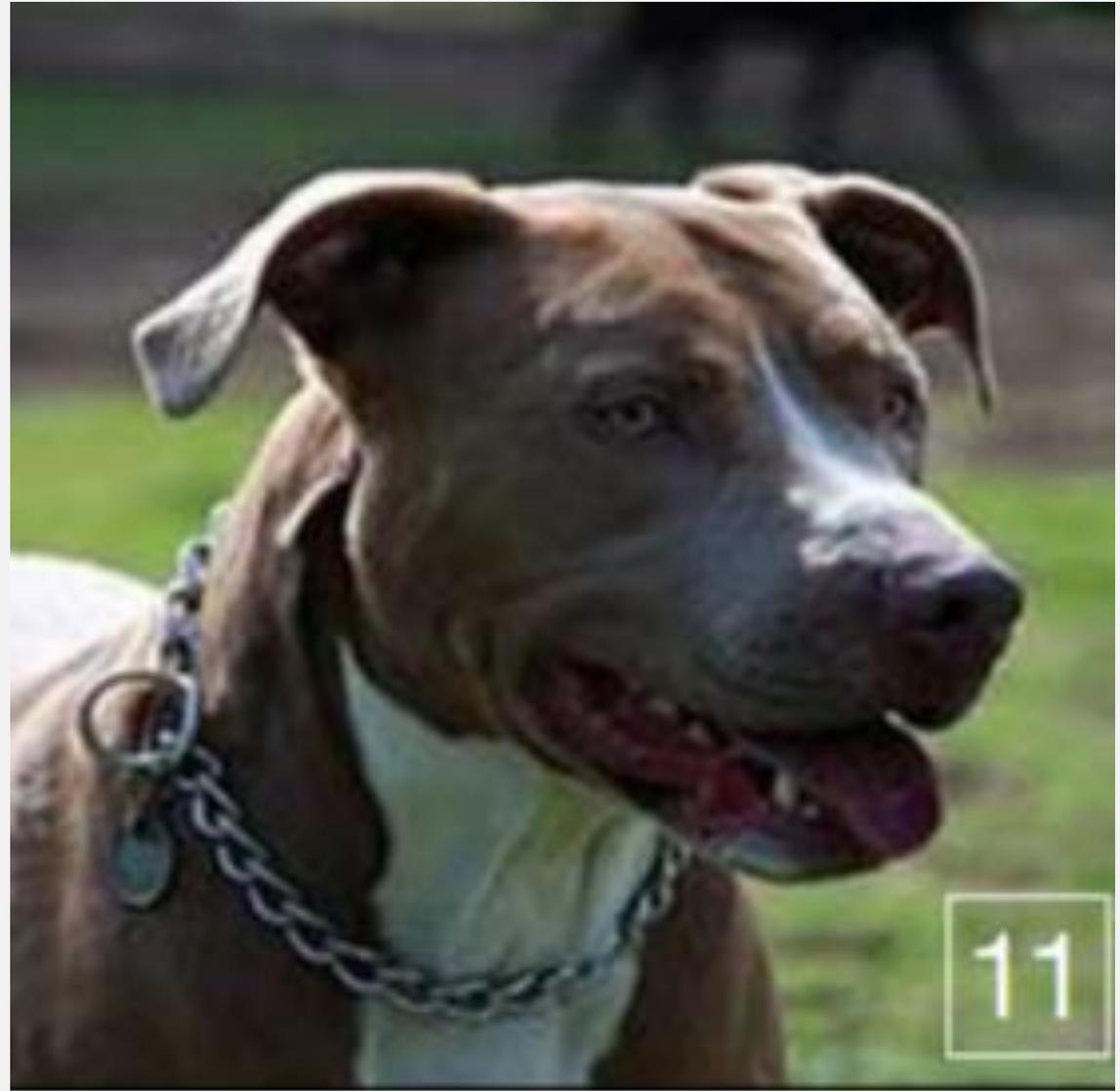
**Some (25%-49%)**

Staffordshire Terrier



# 11

- **Distant (12.5% - 24%)**
- \*Basset Hound
- \*Dalmatian
- \*Glen of Imaal Terrier
- \*Stafford Bull Terrier
- \*Wire Fox Terrier





**PROBLEM  
WITH  
BREED ID**

- No dog bite study claiming to correlate dog bite related injuries by breed – whether published recently or in earlier decades – can be considered valid or reliable because the reporting is based primarily on visual breed identification, a methodology which has been discredited by modern science.

## DOG DNA

- As it is with humans, dog DNA helps identify their ancestors. A dog's genome has about 20,000 genes and a variation across 50 genes determines the breeds defining traits. As few as 6 determines the head shape; a trait shelters and many people use to “label” a dog a Pit Bull.
- If the DNA comes back and it says it is 12.5% Labrador, which part is it exactly – the head or the tail? Which genome determines how the dog will behave? No company offering DNA breed analysis claims that their results predict the behavior of an individual dog. Every dog must be treated as an individual.



ANIMAL PROFESSIONALS INCLUDING:  
VETERINARIANS, ACO, SHELTER WORKERS  
CANNOT ACCURATELY AND RELIABLY ID  
MIXED BREED DOGS

- 2012 Study University of Florida : Victoria L.Voith, Shelter Medicine:A Comparison of Visual and DNA Identification of Breeds of Dogs, PROC.ANN.AM.VETERINARY MED.ASS'N CONVENTION, July 11–14, 2009, at 1 [hereinafter Shelter Medicine].
- 2012 Follow-up study University of Florida: Mary L. McHugh, Interrater Reliability: The Kappa Statistic, 22 BIOCHEMIA MEDICA 276–82 (2012), reprinted in Mary L. McHugh, Interrater Reliability: The Kappa Statistic, BIOCHEMIA MEDICA, <http://www.biochemia-medica.com/2012/22/276> (last visited Oct. 10, 2016).
- 2009 and 2013 Voith Studies: Victoria L.Voith et al., Abstract, Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs, 12 J. APPLIED ANIMAL WELFARE SCI. 253 (2009). Victoria L.Voith et al., Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs, 12 J. APPLIED ANIMAL WELFARE SCI. 253, 259–60 (2009) [hereinafter Comparison of Breed Identification].

- **PROPENSITY TO BITE?**

Dogs of certain breeds are no more dangerous or likely to bite than others.

The breed of dog does not determine this factor.

**Factors that do contribute include:**

GARY J. PATRONEK ET AL., CO-OCCURRENCE OF POTENTIALLY PREVENTABLE FACTORS IN 256 DOG BITE-RELATED FATALITIES IN THE UNITED STATES (2000–2009), 243 J. AM. VETERINARY MED. ASS'N 1726, 1731 (2013).

Absence of any person to intervene.

Intact/not spayed or neutered

Isolation of the dog from people/owner

Mismanagement or abuse of the dog

# AMERICAN TEMPERAMENT TEST SOCIETY

- W. Handel, German Police Dog Trainer, in his article “The Psychological Basis of Temperament Testing defines temperament as:
  - “The sum total of all inborn and acquired physical and mental traits and talents which determines, forms, and regulates behavior in the environment”.
- <https://atts.org/tt-test-description/>

The American Temperament Test Society, which provides a uniform national program of temperament testing for dogs, found that “pit-bull-terrier” like dogs passed the test at a **higher rate** than many other dog breeds, including golden retrievers, border collies, collies, dalmatians, corgis, and German shepherds.

## Breed Statistics as of December, 2017

Breed	Tested	Passed	Failed	%
Am. Pit Bull Terrier	931	814	117	87.4%
Collie	896	724	172	80.8%
Dalmatian	359	299	60	83.3%
German Shepherd	3383	2885	498	85.3%
Golden Retriever	813	696	117	85.6%
Corgi	216	172	44	79.6%

## MYTHS AND FACTS

- 1. Myth: “Pit bull” dogs have locking jaws.
- **Fact: There is nothing anatomically unique about the jaws of “pit bull” dogs.**
- 2. Myth: “Pit bull” dogs are more dangerous than other dogs.
- **Fact: There is no scientific evidence that one kind of dog is more likely than other to injure a human being.**
- 3. Myth: “Pit bull” dogs are more likely to cause serious attacks than other breeds.
- **Fact: An American Veterinary Medical Association (AVMA) exhaustive review of dog bite studies conducted in North America and elsewhere concludes “pit bull” dog specific regulations are not helpful in preventing dog bites. Those authors concluded that “serious bites occur due to a range of factors.”**
- 4. Myth: “Pit bull” dogs have a higher tolerance for pain.
- **Fact: There is nothing unique about the neurological system of a “pit bull” dog. All dogs, regardless of breed label, experience pain. How each dog responds to that pain will vary but the response cannot be predicted by breed.**



CENTER  
FOR  
DISEASE  
CONTROL

- The CDC strongly **recommends against breed-specific laws** in its oft-cited study of fatal dog attacks, noting that data collection related to bites by breed is fraught with potential sources of error (Sacks et al., 2000). Specifically, the authors of this and other studies cite the **inherent difficulties in breed identification (especially among mixed-breed dogs)**.

NATIONAL ANIMAL  
CONTROL  
ASSOCIATION  
GUIDELINE  
STATEMENT:

*"Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed."*



KANSAS  
ANIMAL  
CONTROL  
ASSOCIATION

- “BSL is commonly perceived to be a proactive measure to prevent public safety issues that are thought to be associated with certain breeds. However, implementing breed restrictions/bans has negative and unintended consequences...the Kansas Animal Control Association recommends **implementing laws that are truly effective and can be applied fairly to all breeds and not be discriminatory to certain breeds** and their owners. **There is no behavior that is unique to a single breed or kind of dog.** A dog’s physical and behavioral traits will be the result of multiple factors including genetics, training, management and the environment.”

<http://www.kaca.net/bslstatement.pdf>

ASPCA

ASSOCIATION SOCIETY FOR THE  
PROTECTION OF CRUELTY TO ANIMALS

“We can effectively address the danger posed by dogs by supporting the passage and vigorous enforcement of laws that focus, not on breed, but on people’s responsibility for their dogs’ behavior, including measures that hold owners of all breeds accountable for properly housing, supervising and controlling their dogs.”

THE HUMANE SOCIETY  
OF THE UNITED STATES

- “Neither science nor statistics support policies that discriminate based on breed or physical appearance.”

The logo of the American Academy of Pediatrics, featuring the text "AMERICAN ACADEMY OF PEDIATRICS" in white, uppercase letters inside a teal circle with a white border. The circle is set against a dark grey vertical bar on the left side of the page.

AMERICAN  
ACADEMY  
OF  
PEDIATRICS

- Each year, more than 4.5 million people in the U.S. are bitten by dogs, and of the 800,000 Americans who receive medical attention for dog bites, at least half are children. Most dog bites affecting young children occur during everyday activities and while interacting with familiar dogs. Remember, as most dog bites involve familiar animals, **prevention starts in your home.**

Never leave a small child and a dog alone together, no matter if it is the family dog, a dog that is known to you, or a dog that you have been assured is well behaved. **Any dog can bite.**

## STATE FARM #1 PROPERTY/CASUALTY IN AMERICA

- State Farm<sup>®</sup> does not ask what breed of dog is owned when writing homeowner or renters insurance. Under the right circumstances, any dog might bite, regardless of breed.

AMERICAN  
VETERINARY  
MEDICAL  
ASSOCIATION

Responsible ownership prevents dog bites.  
Breed does not predict behavior.

- **However, while BSL may look good on the surface, it is not a reliable or effective solution for dog bite prevention.**
- **The AVMA is opposed to breed-specific legislation.**
- **Breed-specific bans are a simplistic answer to a far more complex social problem, and they have the potential to divert attention and resources from more effective approaches.**

# AVMA

[HTTPS://WWW.AVMA.ORG/RESOURCES/PET-OWNERS/WHY-BREED-SPECIFIC-LEGISLATION-NOT-ANSWER](https://www.avma.org/resources/pet-owners/why-breed-specific-legislation-not-answer)

- **It is not possible to calculate a bite rate for a breed or to compare rates between breeds because the data reported is often unreliable.** This is because:
  - The breed of a biting dog is often not known or is reported inaccurately.
  - The actual number of bites that occur in a community is not known, especially if they don't result in serious injury.
  - 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.
  - Statistics often do not consider multiple incidents caused by a single animal.
  - Breed popularity changes over time, making comparison of breed-specific bite rates unreliable. However [a review of the research](#) that attempts to quantify the relation between breed and bite risk finds the connection to be weak or absent, while responsible ownership variables such as socialization, neutering and proper containment of dogs are much more strongly indicated as important risk factors.



ASSOCIATION  
OF  
PROFESSIONAL  
DOG TRAINERS

- The Association of Professional Dog Trainers (APDT) supports the adoption or enforcement of a program for the control of potentially dangerous or vicious dogs that is fair, non-discriminatory and **addresses dogs that are shown to be dangerous by their actions.**
- The APDT opposes any law that deems a dog as dangerous or vicious based on appearance, breed or phenotype. Canine temperaments are widely varied, and **behavior cannot be predicted by physical features** such as *head shape, coat length, muscle to bone ratio, etc.*
- **The only predictor of behavior is behavior.** The solution to preventing dog bites is education of owners, breeder, and the general public about aggression prevention, not legislation directed at certain breeds.

# AMERICAN KENNEL CLUB (AKC)

- The American Kennel Club strongly opposes any legislation that determines a dog to be “dangerous” based on specific breeds or phenotypic classes of dogs.



AMERICAN  
VETERINARY  
SOCIETY OF  
ANIMAL  
BEHAVIOR

- Any dog may bite, regardless of the dog's size or sex, or reported breed or mix of breeds.
- The AVSAB's position is that such legislation—often called breed-specific legislation (BSL)—is ineffective and can lead to a false sense of community safety as well as welfare concerns for dogs identified (often incorrectly) as belonging to specific breeds.
- The importance of the reduction of dog bites is critical; however, the AVSAB's view is that matching pet dogs to appropriate households, adequate early socialization and appropriate training, and owner and community education are most effective in preventing dog bites.
- Therefore, the AVSAB does support appropriate legislation regarding dangerous dogs, provided that it is **education based and not breed specific.**

## AMERICAN BAR ASSOCIATION

- "RESOLVED, That the American Bar Association urges all state, territorial, and local legislative bodies and governmental agencies to adopt **comprehensive breed-neutral dangerous dog/reckless owner laws** that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to **repeal any breed discriminatory or breed specific provisions.**"

## BAR K

UNIQUE PET-FRIENDLY  
COMMUNITY THAT  
OFFERS A GREAT FOOD  
AND BEVERAGE  
EXPERIENCE, EMBRACES  
SOCIALLY RESPONSIBLE  
AND SUSTAINABLE  
BUSINESS PRACTICES,  
AND PROVIDES A ONE-  
OF-A-KIND EXPERIENCE  
FOR KANSAS CITIANS  
AND THEIR DOGS

- **Do you have breed restrictions?**

- 

“No. We do not believe in breed restrictions and we are committed to joining with other community leaders to educate lawmakers so that we can end Breed Specific Legislation (BSL). Any vaccinated, well-socialized dog over 3 months of age is welcome to visit Bar K.”

## CHIEF HONGSLO, LENEXA POLICE DEPARTMENT

- Do “pitbulls” or “pitbull looking” dogs pose a greater danger or threat to citizens or the police department?
  - **I can’t answer that based on a dog’s appearance.**
- What is your opinion and the opinion from your ACO officers about BSL and “bully breeds”?
  - **Lenexa’s Dangerous Dog ordinance is very thorough and allows the designation or removal of any type of dog deemed dangerous.**

## CHIEF PIERCE BASEHOR POLICE DEPARTMENT

- **We have not at any issues at all with Pit Bull/American Staffordshire Bull terrier breeds since the ordinance revision.** I am aware of a few Bully Breeds that reside within the city limits and they have been **no trouble at all.**
- **Secondly, I don't believe there has been an increase in dog bite incidents** either.
- We have had a few though but **none involved a "Bully Breed"** so the revision clearly had **no impact.**
- This data indicates that herding breeds as most offending (4 out of 5 offending breeds).
- We had multiple incidents with the leopard dog which was eventually deemed as a vicious dog.
- The only multiple biter was the yellow lab and he was deemed vicious as well. Both were removed from the city by court order.

## CHIEF MOSER SHAWNEE POLICE DEPARTMENT

1. We do not require citizens to register their pets. The exception is if someone applied for a Special Animal Permit, as is required for more than two dogs or cats. **We have no way of knowing how many "pits" we have in the City.**
2. **Any canine has the potential to bite**, and larger breeds can inflict more damage.
3. We do not track number of bites per breed. **Issues are addressed on a case by case basis** with our ordinance that allows us to **deem animals potentially dangerous or dangerous no matter the breed.**
4. The **current ordinance allows us to deem any animal dangerous** if the need is there.
5. We don't track annual number of bites, but **there does not appear to be an uptick or anything out of the ordinary since the ban was lifted**

## CHIEF HENSON SPRINGHILL POLICE DEPARTMENT

- In research of our dog bite history in the city the breed that was involved with the most bites was the Boxer Breed with 4 of the total bites being attributed to this breed (all different K9's). **Since the ban was lifted, I have not experienced any increase in reports of aggressive or dangerous pit bulls in our city.**
- We had 17 animal bites occur in our city since 2014 and they break down like this:
  - 15 bites were reported by breeds classified other than Pit-Bull, or similar breeds
  - 2 bites were reported by Pit-Bull mixes

## CHIEF BELCHER GARDNER POLICE DEPARTMENT

- Do “pit bull or bully breed” dogs pose a greater danger to citizens or the police department?
- **“I do not think so. The officers as well as citizens need to evaluate the dog they encounter based off its behavior at that time. We should all be cautious around dogs that we are not familiar.”**
- **“I have been tracking this information since 2006, and from 2006-2019 we have had 338 bite cases, 38 involving bully breeds. 38 of 338 bite cases in the last 10 years does not support that in my opinion.”**
- What is your opinion about BSL and “Bully breeds”?
- **“I’m not in favor of banning a particular breed. I think you have to evaluate the dog in question and not concentrate on a particular breed.”**

MERRIAM POLICE DEPARTMENT  
CHARLIE YOCUM, ACO

- Do you believe that “pit bulls or bully breeds pose a greater danger to the citizens of Merriam or the police department?”
- **“ No, I think it is more of an issue of socializing the animal and training.”**
- What is your opinion about BSL and “bully breeds”?
- **“I don’t have a problem with them. I have been around them all my life. Family and friends have had them and none have been aggressive.”**
- How many dog bites have been reported in 2019? How many of those are “pit bull” or “pit bull” looking?  
**“We had ten (10) dog bites in 2019. Six (6) were animal on animal and the other (4) were animal on person. The only remotely close to a bully breed was an English Bulldog and that bite was animal on animal.”**
- Have you ever been bitten by a dog? If so, what was the breed?
- **“No. My bites (2) were feral cats in which I had to take rabies shots and a year later rabies booster.”**
- Do you think BSL is effective in preventing dog bites?
- **“No. I think it all boils down to socialization, treatment of the animal and owner responsibility.”**

CAPTAIN MADDEN  
NEJC

(FAIRWAY, ROELAND PARK, MISSION, WESTWOOD HILLS, MISSION WOODS, WESTWOOD)

- There was **not a specific breed of dog that was more prone to biting** during the 4 years I was the administrator of NEACC.
- Our **data would not suggest that "bully breeds" pose a greater risk**, but we don't require licensing so we don't know the makeup of the breeds that reside in Mission.
- **My opinion of "bully breeds" is that they are like every other breed of dogs.**
- All dogs can be provoked and can be protective of their owners and territory. A lot of this also **depends on how the dogs are cared for.**
- 2019 had four reported dog bites: 2 Roeland Park (one was a dog fight); 1 Fairway, and 1 in Mission.

OFFICER MASON PADEN  
STAFFORD POLICE  
DEPARTMENT  
FIRST "PIT BULL" POLICE DOG  
IN KANSAS

"I have always been 'pro-Pit Bull' these dogs are misunderstood. Just like people dogs are individuals too! Kano and I plan to get out there and help try to change the bad name that so many have given the Pit Bull. There is no reason for people to be afraid of the breed in the police force, as Kano and other trained pit bulls are not biters."

"If they were this vicious great bite dogs wouldn't the police want them on the force?" operations director Brad Croft said. "They are no good at it. They are no good at taking people down. But I will tell you what they are damn good at, (drug) detection."

There are now 52 Universal K9 pit bulls out on the streets, according to the Hutchinson News. – Wichita Eagle

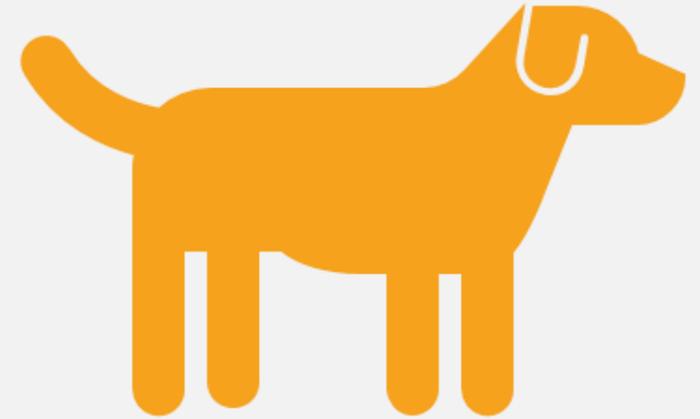


# HOW DO SHELTERS IDENTIFY BREED?

- Most shelter management software programs have pre-populated drop-down menus of dog breeds that staff members select from when dogs are admitted to the shelter.
- There are only two commercial shelter software programs used in the study shelters. They listed 200–250 dog breed terms, including pit bull terrier, pit bull mix, American pit bull terrier, American Staffordshire terrier, and Staffordshire bull terrier.
- Breed is a required field for the creation of new dog records, and staff do not have the option of leaving it blank if they are uncertain of the breed assignment.

# RESPONSIBLE PET OWNERS

- License and provide permanent identification for your pets.
- Spay or neuter your pets.
- Provide training, socialization, proper diet, exercise, shelter, and medical care for your pets.
- Do not allow your pets to become a threat or nuisance in the community.
- Keep your dog on a leash when outside of your home.
- Make him/her part of your family. They are traditionally pack creatures and need warmth and love.
- Recognize the commitment including financial, emotional, and time for the dog.
- Evaluate your lifestyle and needs of the dog.
- A securely fenced yard.



KANSAS CITY, KANSAS  
LATEST CITY TO REPEAL  
30-YEAR BAN  
MAY 31, 2019

- 28 Kansas cities that repealed since 2008:
- Wellington
- Edwardsville
- Topeka
- Seward County
- Garnett
- El Dorado
- Basehor
- Osawatomie
- Bonner Springs
- Fairway
- Tonganoxie
- Spring Hill
- Wellsville
- Garden City
- Lansing
- Roeland Park
- South Hutchinson
- Edgerton
- Eudora
- Shawnee



## OUR ORDINANCE READS:

Pitbull dog for the purposes of this Chapter shall include:

- a) The Staffordshire Bull Terrier breed of dog;
- b) The American Pit Bull Terrier breed of dog;
- c) The American Staffordshire Terrier breed of dog, or
- d) Any dog having the appearance and characteristics** of being predominately of the breeds of Staffordshire pit bull terrier, American pit bull terrier, American Staffordshire bull terrier; or a combination of any of these breeds

IT IS TIME  
FOR PV TO  
TREAT  
EVERY DOG  
AS AN  
INDIVIDUAL,  
NO MATTER  
THE BREED.

You cannot tell the dog's breed by visual identification and it is unreliable, subjective, and discriminatory to do so.

There are many factors that determine a dog's propensity to bite and appearance is not one of them.

PV ACO's reported that "they believe our current dangerous and vicious dog ordinance offers protection for our residents and themselves against identified dangerous and vicious dogs."

The dog bites from 2019 in PV are evidence that all breeds can and do bite. Of the 19 dog bites, labs and lab mixes account for six or 31% of the bites.

Our current law regarding our Potentially Dangerous, Dangerous and Vicious Animal ordinance #2-106 is effective in addressing dangerous dogs of all breeds.



## 2020 Exterior Grant Program Changes

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### BACKGROUND

At the Committee of the Whole meeting on January 6, the CCOW approved raising the appraised value threshold for the 2020 Exterior Grant program to \$250,000 but directed city staff to come back with a list of options for adding projects to the eligible projects list that would improve environmental sustainability as well as identify additional funding options.

Staff has identified three different options for consideration:

**Option 1: Continue the Exterior Grant Program as it currently operates and consider creating a new, separate grant program to assist residents with paying for environmentally-friendly improvements.**

#### Advantages

- Maintains the original intent of the Exterior Grant Program, which was to address code violations and improve curb appeal throughout neighborhoods.
- Allows for different eligibility requirements for each of the grant programs, as the eligibility requirements for the Exterior Grant Program may not be the appropriate requirements for environmental sustainability project grants.
- Ensures we can move forward with the Exterior Grant Program for 2020 in a timely manner, meeting deadlines for the Village Voice and providing our staff with the necessary information to answer resident questions and promote the program prior to the applications opening up on March 2.
- Allows more time to develop an environmental grant program, which may require further research, collaboration with outside partners and the environmental committee, analysis of staff time needed to implement the program, and Council, resident, and expert input on what the eligible projects list should include.
- Provides for the program to be vetted through the budget decision package process.

#### Disadvantages

- It may take longer than desired for the City to provide financial assistance to residents to make environmentally sustainable improvements in their homes.

**Option 2: Expand the Exterior Grant Program to include environmentally-friendly projects that are on the exterior of the property only.**

#### Advantages

- Maintains the original intent of the Exterior Grant Program while also allowing for environmentally-friendly improvements, achieving multiple goals.
- Ensures we can move forward with the Exterior Grant Program for 2020 in a timely manner and meet all necessary deadlines.

### Disadvantages

- The same eligibility requirements would be required for environmental improvements as are required for exterior improvements, which may not make the most sense, specifically the minimum project cost of \$2,500 and the appraised value maximum of \$250,000.
- Additional funding for the Exterior Grant program would be recommended, as there was already more demand than available resources under the current eligible projects list.
- The ability to identify partners and utilize outside funding sources would not be possible in 2020 in order to meet program timelines, but this could be explored in the future.

### Recommended Additions to Eligible Improvements List Under Option 2

Many of the eligible improvements under the existing Exterior Grant Program already include environmental sustainability improvements. These improvements include siding, painting, awnings, windows and doors, and roof replacements. If the Council wanted to move forward with Option 2, staff recommends the following projects be added to the list of eligible improvements in addition to the projects already permitted under the existing program:

- Solar panel installation
- Exterior caulking and weather-stripping
- Replacement of existing concrete on driveways and walkways with permeable concrete

**Option 3: Revise the Exterior Grant Program to include projects on both the exterior and interior of the home that would include projects that improve a home's environmental sustainability.**

### Advantages

- Makes it easier for our residents to improve the environmental sustainability of their homes
- Still maintains the original goal of the exterior grant program but also achieves environmental sustainability goals

### Disadvantages

- A name change to the grant program may be needed to encompass both exterior and interior projects.
- Additional funding would be recommended to encompass the increasing number of eligible projects under the grant program.
- The impact on staff time in managing the program by expanding the list to interior projects has not been fully vetted at this time.
- The ability to identify partners and utilize outside funding sources would not be possible in 2020 in order to meet program timelines, but this could be explored in the future.
- The eligibility requirements for the Exterior Grant Program may not be the best eligibility requirements for environmental sustainability projects, as the minimum project cost and appraised value threshold could prohibit many people from participating in the program who would otherwise. The cost of some of the eligible improvements on the list below are well under the \$2,500 minimum project cost threshold.
- The list of eligible improvements to include would need to be finalized by the Council at the January 21<sup>st</sup> meeting in order to meet the Exterior Grant Program deadlines, which may result in the new program being rushed and not fully vetted by staff or the Council.

### Recommended Additions to Eligible Improvements List Under Option 3

Many of the eligible improvements under the existing Exterior Grant Program already include environmental sustainability improvements. These improvements include siding, painting, awnings, windows and doors, and roof replacements. If the Council wanted to move forward with Option 3, staff recommends the following projects be added to the list of eligible improvements in addition to the projects already permitted under the existing program:

- Solar panel installation
- Caulking and weather-stripping
- Replacement of existing concrete on driveways and walkways with permeable concrete
- Energy-efficient above-grade insulation and attic insulation
- Energy-efficient furnace replacements
- Energy-efficient AC replacements
- Energy-efficient water heater replacements
- Smart thermostats
- Home energy audits

## **FUNDING OPTIONS**

- The City budgets \$6,000 per year for the Minor Home Repair Program. These funds were not used in 2018 or 2019, so \$18,000 is currently available in the budget to re-direct into the Exterior Grant budget for 2020. Staff recommends directing these funds to be used in the 2020 Exterior Grant Program regardless of which option is chosen.
- There is \$400,000 in unallocated funds in the 2020 budget. If the Council wanted to move forward with Option 2 or 3, it is recommended that some of these funds be earmarked for the expanded grant program.

## **RECOMMENDATION**

Staff recommends a motion to move forward with Option 1 and setting the 2020 Exterior Grant budget at \$68,000. If the Council chooses to go a different direction, staff needs direction on what improvements should be included in the 2020 Exterior Grant Program and what the 2020 program budget should be. Direction must be provided at the January 21 meeting in order to meet deadlines for the Village Voice, promote the program, and answer resident questions prior to applications opening on March 2.

## **ATTACHMENTS**

2019 Program Requirements

## **PREPARED BY**

Jamie Robichaud  
Deputy City Administrator  
Date: January 15, 2020

## 2019 Exterior Grant Program Requirements

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### Program Overview

- The City will reimburse 20% of eligible construction costs on qualifying exterior improvements to a home, with a minimum grant of \$500 and maximum grant of \$2,500.
- The construction costs must be a minimum investment of \$2,500, with the exception of trash container screening projects. The City will only reimburse 20% of project costs up to \$12,500. Any costs exceeding that amount will be the responsibility of the homeowner.
- Trash screening projects will be reimbursed at 50% of the total construction costs or \$100, whichever is less.
- The City will begin accepting applications on March 1 of each year. Grants are awarded on a first-come, first-serve basis.

### Eligibility Requirements

- The appraised value of the home must be \$225,000 or less and must be located in Prairie Village.
- The home must be zoned R-1A, R-1B, or R-2.
- A building permit may be required depending on the type of improvements.
- The improvements must be in conformance with the Prairie Village Municipal Code.
- The property must be owner-occupied or a rental license must have been in place for the past 365 days in order to be eligible.
- Each property can only receive one grant in a 10 year period.

### Eligible Improvements

- Exterior painting/siding
- Exterior door/window repair and/or replacement (permit required if changing size of windows)
- Roof replacement and repairs (building permit required)
- Gutters
- Shutters
- Front-facing concrete work (drainage permit required)
- Masonry
- Foundation repairs
- Awnings
- Building additions (building permit required)
- Trash container screening (see attached requirements)

### Application and Reimbursement Process

- Applications are available March 1 on a first come, first serve basis at City Hall and on [pvkansas.com](http://pvkansas.com).
- The completed application must be submitted to the Codes Department for approval before beginning any work. Receipts dated prior to the grant approval date cannot be included with any reimbursement request.
- Applications must include a description of the renovation or remodeling and estimated costs, as well as proof of current homeowner insurance and property tax receipts.
- Before and after pictures will be taken by city staff and the property will be checked for code violations, including the back yard. Code violations must be corrected within 10 working days of notification or the grant approval will be forfeited.
- Progress must be made on the project within 60 days of approval or the grant will be forfeited.
- Upon completion of the improvements, the applicant must submit the reimbursement form and qualified project receipts to the Codes Department. Expenses must total at least \$2,500 (with the exception of trash screening projects).
- The City will do a final project inspection before reimbursements are made. The City will reimburse 20% of project costs, not to exceed \$2,500, within two weeks of receipt verification.
- All projects must be completed and receipts submitted within 90 days after application is submitted.

## Trash Container Screening Guidelines

The Prairie Village Municipal Code requires trash containers to be located so that they are not visible from public streets or walkways. They should be adequately screened from view by wall or fence enclosures that are of a building material that is complimentary to the principal building on the site. The municipal code prohibits the use of the following items for screening of trash containers: 1) deciduous trees, shrubs, or bushes that shed their foliage in the fall/winter; 2) air conditioning units; 3) chain link fences without barrier weaving; 4) vehicles; 5) tarps; 6) flower pots; and 7) other similar items.

In order for a trash screening project to qualify for the Exterior Grant, the project must meet the following requirements:

- The property must have an appraised value of \$225,000 or less.
- The screening/enclosure must be a permanent solution and be made of materials that complement the principal building on the site.
- The screening can be made from a fence, wall, or landscaping, but the landscaping must not shed its foliage in the fall/winter.
- The screening/enclosure must fully enclose the trash containers so that they can't be seen from public streets or sidewalks.
- The screening must be in conformance with the Prairie Village Municipal Code and comply with all fencing and wall requirements found in 19.44.025 of the Prairie Village Zoning Regulations.

Below are several examples of trash container enclosures that would meet the City's requirements to qualify for reimbursement under the Exterior Grant Program:



## MAYOR'S ANNOUNCEMENTS

Tuesday, January 21, 2019

Environmental Committee	01/22/2020	5:30 p.m.
Skate Park Community Workshop (Meadowbrook Clubhouse)	01/22/2020	6:30 p.m.
VillageFest Committee	01/23/2020	5:30 p.m.
Civic Center joint work session (Meadowbrook Clubhouse)	01/27/2020	6:00 p.m.
City Council meeting	02/03/2020	6:00 p.m.
Planning Commission meeting	02/04/2020	7:00 p.m.

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The Prairie Village Arts Council is pleased to feature the artwork of Wendy Delzeit, Ken Sabatini and Laura Jackson during the month of February. The artist reception will be held from 6:00 p.m. to 7:00 p.m. on Friday, February 14.

**INFORMATIONAL ITEMS**  
**January 21, 2020**

1. Environmental Committee meeting minutes - August 28, 2019
2. Environmental Committee meeting minutes - October 23, 2019
3. Parks and Recreation Committee meeting minutes - November 13, 2019
4. Planning Commission meeting minutes - December 3, 2019
5. Consolidated Fire District #2 Fourth Quarter Report

## Environmental Committee Minutes

City of Prairie Village, **Community Center**

Wednesday, August 28th 5:30 p.m.

### I. CALL TO ORDER

### II. APPROVAL OF THE AGENDA

### III. APPROVAL OF MINUTES FROM June meeting

### IV. PUBLIC PARTICIPATION

### V. Guest Speakers:

a. Becky Fast, Johnson County Board of Commissioners – she came to give an update on the environmental and sustainable efforts the Board is working on.

#### b. Presentations by:

Glass Bandit – He gave a presentation about their business and how it works. He discussed how he bills his clients and his services offered. Then the committee asked questions.

Compost Collective – She gave a presentation about her business. She discussed why composting was important and how food waste effects green house gases. She discussed how the business works and what it looks like for residents. Then the committee asked questions.

A vote was taken to move our recommendation to Council Committee of the Whole to discuss these two curbside recycling programs. Vote was unanimous.

VI. Old Business – Plastic Bag Discussion Update – Each group discussed where they were in their research.

Herbicides/Pesticides in our Parks Update – we obtained a list of chemicals used in our City. Research has begun with talking to other local entities including the chemicals used in our County parks and in the SMSD. No decisions were made this evening how and when to move forward.

### VII. Announcements

### VIII. Adjournment

## Minutes of Environmental Committee

Wednesday, October 23, 2019 held in City Hall

Present: SueAnn Heim, Dave Wise, Richard Dalton, Stephanie Alger, Fred Grunwald, Tucker Poling, Jori Nelson, Nathan Kovac, Margaret Thomas. Guests include: Cole Strickland, Al Frisby, Stephen Melton, Stan Chappell, Jennifer Brown. City of Prairie Village: Meghan Blum

1. Approval of Agenda: approved
2. Approval of Minutes from August 28<sup>th</sup> meeting: approved
3. Public Participation – Representatives of the Citizen’s Climate Lobby (CCL) gave a presentation and requested support for the “Energy Innovation and Carbon Dividend Act of 2019” (H.R. 763). There was discussion and questions for the guests. The committee will follow up at a future meeting.
4. Old Business – Plastic Bag Discussion – There was discussion about the need to have a special meeting devoted to developing a draft resolution regarding single use plastics. Several dates were proposed and it was agreed that the meeting would be held on December 4, 2019. Committee members are asked to review all pertinent materials before the meeting.
5. New Business –
  - a. Earth Day – There was discussion about different options of Earth Day 2020. One of the options being a community service project. Jori agreed to check on budget.
  - b. Jori indicated that an email was received from Jim Kite of Overland Park asking if we wished to participate in the Overland Park “Recycling Extravaganza” to be held on April 18, 2020. He will be asked to send additional materials or make a presentation to the committee.
  - c. Curbside Recycling & Composting – Approved by the committee and needing implementation details for approval by the City Council.
  - d. Newsletter – It was announced that the newsletter is now printed using soy ink. Discussion ensued about the need for an opting out process for the newsletter.
6. Next meeting set for Wednesday December 4 at 6:00 p.m.
7. Meeting adjourned at 6:55 PM.

# PARKS AND RECREATION COMMITTEE

5:30 PM, November 13, 2019

City Hall

## MINUTES

The Parks & Recreation Committee met at 5:30 p.m. in the Council Chambers at City Hall. In attendance: Chair Chad Herring, Dianne Pallanich, Diane Mares, Matthew Geary, Carey Bickford, Randy Knight, Lauren Wolf, Matt Moeder. Staff: Meghan Buum, James Carney.

### I. Public Participation

None

### II. Meadowbrook Presentation – Jeff Stewart

- a. Jeff Stewart provided an overview of facilities, programs, and future phases of the Meadowbrook Park development. He answered questions from the committee, including questions about parking and adult exercise equipment. Mr. Stewart acknowledged the valuable relationship between the County, City, and Van Trust – the partnership is cutting edge and nationally recognized.

### III. Consent Agenda

- a. Minutes from October 16, 2019
  - Mr. Herring noted a correction to the spelling of Wiesie.
  - It was moved and seconded to approve the minutes from September 11, 2019. The motion passed unanimously.

### IV. Reports

- a. Public Works Report
  - Mr. Carney stated that the skate park budget would be presented at the next City Council Meeting.
  - A conversation regarding the Taliaferro play equipment will be held in early 2020.
  - Final touches to Wassmer Park will be installed soon, including: doggie pots, grill, and bike rack. The solar panels on the park shelter are fully connected. A drainage issue along the trail will be addressed.
  - The Public Works crew is working through their fall park/traffic island leaf cleanup and beginning to install holiday lights.
- b. Recreation Report
  - Ms. Buum reported that she met with JCPRD about the 2020 tennis programs. The program will remain the same in 2020 with the addition of a second “Red Ball” program for 5-8 year olds because they had to turn away players last year.

- She met with Suzanne McCullough who has agreed to return as Pool Manager for the 2020 season.
- c. Chairperson's Report
  - Mr. Herring reported that the grand opening of Wassmer Park successfully took place on October 26. The event featured food trucks, a DJ, balloon twister, face painters, Special Olympians, and a great crowd. Mayor Wassmer zip-lined through a ribbon to officially open the park.
  - He shared information about the Mayor's Holiday Tree Lighting and other upcoming holiday events.

**V. Old Business**

None

**VI. New Business**

- a. SuperPass Discussion & Swim Meet Letter of Understanding
  - Ms. Buum shared information regarding the 2020 Super Pass and Swim Meet Letter of Understanding. There is uncertainty related to Merriam's participation due to the opening of their new aquatics facility and community center. The City of Merriam has directed their staff to evaluate their participation in the programs.
  - Diane Mares moved to approve the draft agreements; it was seconded by Lauren Wolf, and passed unanimously.
- b. 2020 Fee Schedule
  - Ms. Buum reviewed the 2020 fee schedule with the following recommended changes: move the age requirement for a pool pass from age one to age two; remove tennis fees that are now determined by JCPRD
  - Lauren Wolf moved to approve the fee schedule; it was seconded by Carey Bickford and passed unanimously.

**VII. Information Items**

- a. Meeting Schedule
  - i. January 8, 2020; 6:30 p.m.

**VIII. Adjourn** – Meeting was adjourned at 6:35 p.m.

**PLANNING COMMISSION MINUTES**  
**December 3, 2019**

**ROLL CALL**

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, December 3, 2019 in the Council Chambers at 7700 Mission Road. Chair Nancy Wallerstein called the meeting to order at 7:00 p.m. with the following members present: James Breneman, Patrick Lenahan, Greg Wolf and Jeffrey Valentino.

The following individuals were present in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Ron Nelson, Council Liaison; and Adam Geffert, City Clerk/Planning Commission Secretary.

**APPROVAL OF MINUTES**

Mr. Breneman moved for the approval of the minutes of the November 5 regular Planning Commission meeting as presented. Mr. Wolf seconded the motion, which passed 4-0, with Mr. Valentino in abstention.

**PUBLIC HEARINGS**

None

**NON-PUBLIC HEARINGS**

**PC2019-123 Site Plan Review - Revision to Monument Sign Dimensions**  
**Mission Chateau - 4100 W. 85<sup>th</sup> Street**  
**Zoning R-1A**  
**Applicant: NSPJ Architects**

Mr. Brewster stated that City zoning ordinance required monument signs to be approved through the site plan approval process. The previous site plan for the property, which included the monument sign, was approved by the Planning Commission in 2016. Recently, a Building Inspector measured the sign and found it be larger than what had been approved. Mr. Brewster added that although staff does have the ability to approve minor changes to previously approved site plans, the change in size of this monument sign was significant and therefore needed to be presented to the Commission.

Mr. Wolf asked about the size of the sign that was installed, and Mr. Brewster stated that it was approximately 43 square feet, whereas the approved sign was to be 34 square feet. Mr. Breneman asked what the property owner would need to do if the Planning Commission did not approve the application. Mr. Brewster said there would likely be an appeal process.

Katie Martinovich, representing NSPJ Architects, shared a diagram showing the visual difference between the proposed and actual signs. The logo for the development was

changed before the sign was completed, which required a larger font to be visible from the road. She added that the sign company did not share that the overall size of the sign would need to be increased to accommodate the larger logo.

**Mr. Wolf made a motion to approve the site plan. Mr. Lenahan seconded the motion, which passed 5-0.**

## **OTHER BUSINESS**

### **Consider Approval of 2020 Meeting Dates**

Mr. Wolf noted that the proposed November meeting date coincided with Election Day, and recommended that it be changed. Mrs. Robichaud said that staff would research alternate dates and present them to the Commission at the January 2020 meeting.

**Mr. Wolf made a motion to approve the proposed 2020 meeting dates with the exception of the November date. Mr. Lenahan seconded the motion, which passed 5-0.**

Mrs. Robichaud stated that the next Planning Commission work session would be held on Tuesday, December 17, at which Phase 3 of the Comprehensive Plan update would be discussed.

## **ADJOURNMENT**

With no further business to come before the Commission, Chair Nancy Wallerstein adjourned the meeting at 7:17 p.m.

Nancy Wallerstein  
Chair

# Activity Report | 4th Qtr 2019



## ***PROUDLY SERVING***



***MISSION • PRAIRIE VILLAGE • ROELAND PARK  
FAIRWAY • WESTWOOD • WESTWOOD HILLS  
MISSION WOODS • MISSION HILLS***

### Service Calls by Type

#### 4th Quarter 2019

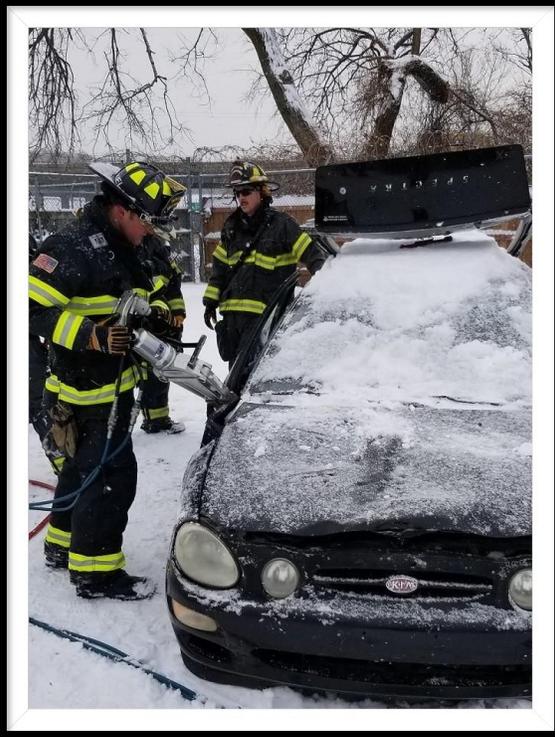
Calls for Service	506
Emergency Medical Calls	719
Training Hours	2323
PR/Educational Activities	53



### Training

We are so thankful for our partnerships with area businesses and organizations which allow for additional and enhanced training opportunities.

In December, Overland Tow provided us a vehicle for some extrication training.



Training in the elements, whether snow, rain, heat, etc, is always a great learning experience.

We were also able to partner with Fire District 1, Johnson County MedAct and Johnson County Emergency Communications for a trench rescue awareness class taught by CFD2 Apparatus Operator James Hansen.



## Community

### HeartSafe

We continue to provide groups and individuals with Hands Only CPR and AED training. The use of an AED along with Compressions-Only CPR can significantly increase the chance of survival for someone experiencing sudden cardiac arrest.

This newly installed AED at the Mission Hy-Vee was made possible by a grant through the Shawnee Mission Rotary.



### National Fire Prevention Week

In October our crews visited the elementary schools in the Fire District to teach about fire safety and prevention.

Our **Toys for Tots Drive**, a program run by the U.S. Marine Corp Reserve, was a great success again this year thanks to the generosity of our community as well as our employees.



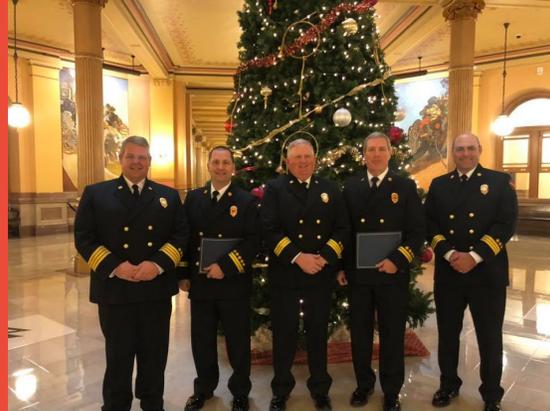
CFD2 and all Johnson County emergency services organizations will now be using the new ZOLL AEDs (automated external defibrillator), allowing for a near seamless transition in patient care from first responders to transport units. These AEDs include CPR feedback intended to enhance CPR performance and increase survivability of cardiac arrest patients. The ZOLL AEDs can be used for both adult and pediatric patients.



### **Employee Recognition**

Congratulations to Captain Travis Thompson and Captain Jeff Truax on graduating from the University of Kansas Public Management Center's Certified Public Manager (CPM) Program! CPM is a nationally accredited management program and certification in which participants develop and strengthen their

management skills.



Johnson County Consolidated Fire District No.2 | 913-432-1105 | ContactUs@cf2.org | www.cfd2.org

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**Check out our new website designed by Springboard Creative in Mission!**

Visit our website

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