



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No.
For Meeting of: 11/12/2013

ITEM TITLE: 10:10 a.m. Pit Bull/Dangerous Dog Ordinance
SUBMITTED BY: Joe Caruso, Codes Manager/Fire Marshal
SUMMARY EXPLANATION:
See attached.

Resolution:	Ordinance:
Other (Specify):	
Contract:	Contract Term:
Start Date:	End Date:
Item Budgeted:	Amount:
Funding Source/Fiscal Impact:	
Strategic Priority:	
Insurance Required? No	
Mail to:	
Phone:	
APPROVED FOR SUBMITTAL:	 City Manager

RECOMMENDATION:

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> 2	11/8/2013	Cover Memo
<input type="checkbox"/> 3	11/8/2013	Cover Memo

<input type="checkbox"/> 4	11/8/2013	Cover Memo
<input type="checkbox"/> 5	11/8/2013	Cover Memo
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<input type="checkbox"/> 9	11/8/2013	Cover Memo
<input type="checkbox"/> 10	11/8/2013	Cover Memo
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<input type="checkbox"/> 17	11/8/2013	Cover Memo

STUDY SESSION
PIT BULL BAN
NOV. 12, 2013

Section 1:

- a. Background materials
 - o Pit Bull Frequently Asked Questions

- b. Facts and statistics
 - o Pit Bull statistics in Yakima
 - o Dog bite statistics from www.dogsbite.org
 - o Pit bull injuries and attacks (2012 and 2013)
 - o Photos

- c. Legislation and why the City Enacted a Dangerous Dog Ordinance and Pit Bull Ban
 - o American Dog Owners v. City of Yakima
 - o Animal Control Ordinance
 - o Pit Bull Ordinance and amendments

Section 2:

- a. Materials submitted by James Boyer

- b. Letter from Kenneth Lust, D.V.M.

- c. Reasons to uphold the ban

Section 3:

- a. Alternatives - requirements other cities use for regulating dangerous dogs and pit bulls

Section 4:

- a. Letter from Yakima Police Patrolman's Association supporting the existing pit bull ban and dangerous dog ordinance (will be delivered Monday)

- b. Letter from Det. Doug Robinson

Section 5:

- a. Public participation

PIT BULL INFORMATION

Impoundment of Banned Dogs in Yakima.

2009	96
2010.....	81
2011	61
2012	72
2013 (as of 10/17/2013).....	39

Complaints on Ban Dog Sightings.

2009	150
2010.....	121
2011	110
2012	92
2013 (as of 10/17/2013).....	107

Complaints on Ban Dog At Large.

2009	106
2010.....	103
2011	75
2012	63
2013.....	63

*Ban Dog Sighting/Ban Dog At Large complaints are not always founded as Ban Dogs.

Dogsbite.org

2005-2012 Pit Bull/Mixes killed 151 americans out of 251 fatal dog attacks. 60% of fatal dog attacks were by Pit Bulls.

2012: Pit Bulls killed 23 people. That's 61% of fatal dog attacks.

2013: Pit Bulls have killed 19 people to date.

I could not find and fatal attacks involving Pit Bulls in Washington state that have been reported. The information above is for the United States. There have been no reports of fatal dog attacks in Washington State.

Chart A. Highest Number of Dog Bite Fatalities (2005 to 2012)

State	Total Deaths	Pit Bull Deaths	Percent Pit Bulls
Texas	32	24	75%
California	28	23	82%
Georgia	16	9	56%
Florida	14	7	50%
Michigan	12	5	42%
South Carolina	11	6	55%
Illinois	10	7	70%
North Carolina	10	7	70%
Virginia	9	6	67%
Tennessee	8	5	63%

Q: Are breed-specific laws constitutional?

At least seven U.S. State Supreme Courts have upheld the [constitutionality of breed-specific laws](#) including: Ohio, Colorado, Iowa, Arkansas, Utah, Washington and Kansas. At least six State Appeals Courts have as well, among them, courts located in Ohio, Kentucky, Missouri, Wisconsin, Florida and New Mexico. The U.S. Supreme Court has also weighed in favorably on the subject of breed-specific laws.

In February of 2008, the U.S. Supreme Court [refused to hear an appeal](#) from the Ohio State Supreme Court's decision in the Toledo vs. Tellings case. Pit bull advocates had argued that the law was unconstitutional on several grounds, all of which the Ohio State Supreme Court rejected. By refusing the appeal, the United States Supreme Court declared Toledo's breed-specific law constitutional, and the case cannot be appealed further.

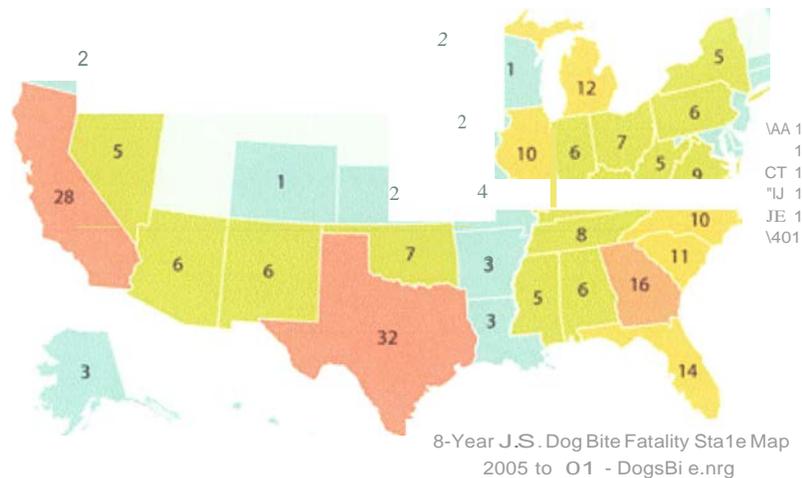
1. DogsBite.org began collecting this data in November 2007 and is current to date.
2. Information was gathered through media accounts that were available at the time of the attack or found through Internet archives, including: [Google News Archive](#) and [AccessMyLibrary](#) . Each fatality also lists "source citations," which links to its related citations.

Q: Why not just enforce the laws we already have?

Most cities have laws that take effect *after* a person has been bitten, in some instances, only after a second person has been bitten. In these cities, a pit bull can attack two separate victims, leaving each with serious injury before any substantial penalties are triggered. Such laws were designed for "common" dog bites, not a pit bull bite that often results in life-altering damage.

When it comes to pit bulls, enforcing existing laws does not prevent attacks that inflict debilitating injury. Most current dog laws also fail to sufficiently penalize a dog owner after a severe attack. Cases abound where the owner of a dog is fined \$50 for failing to leash their pet after a victim is seriously hurt. Such laws do not recognize that medical bills from pit bull injury often start at \$20,000 and swiftly fly beyond. Breed-specific laws do recognize victim injury and require owners of these breeds to abide by safety rules before an attack, such as mandatory sterilization and muzzling when off-property. If the owner fails to abide, sizable fines result. Most breed-specific laws also require owners to carry liability insurance in the amount of \$100,000 to \$250,000. So if an attack does occur, the victim can receive medical payment

8 year dog bite fatality state map
2005-2012



**STUDY SESSION
PIT BULL BAN
NOV. 12, 2013**

- In January 1987, there were three unprovoked attacks by Pit Bull dogs on Yakima residents. On July 29, 1987, due to these attacks, the City of Yakima adopted an Ordinance (3034) which bans Pit Bulls from the City. Specifically the breeds *Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier* as well as dogs "identifiable" as having any pit bull variety as an element of their breeding.
- On August 24, 1989, the Supreme Court of Washington, Plaintiff **-American Dog Owners** argued that *Yakima City Ordinance 3034, codified in Yakima City Code 6.18.010 is unconstitutionally vague; claiming that a person of ordinary intelligence cannot reasonably tell what is prohibited.* It was ruled by the Washington Supreme Court that the Yakima ordinance is constitutional even though some inoffensive pit bulls might be banned. It was also ruled that the Yakima Ordinance is constitutional although it will not stop all dog bites nor remove unidentifiable pit bull mixes. Reconsideration was denied October 11, 1989 and determined that the Yakima City Ordinance is not unconstitutionally vague. It was also determined that the summary judgment was not given in error. The trial court was affirmed.
- Appellate Courts in twelve U. S. states have upheld the constitutionality of breed-specific pit bull laws that include Arkansas, Colorado, Florida, Iowa, Kansas, Kentucky, New Mexico, Ohio, Utah, Washington, West Virginia, Wisconsin, District of Columbia.
- 25 Cities in WA that have breed specific bans. Over 600 U. S. Cities have enacted breed-specific laws. Many foreign countries have enacted breed-specific laws as well, including Canada, Great Britain, Germany, France, Ireland and Australia plus others. **Exhibit# 1** (Source: DogsBite.org)
- 8 Year US Dog Bite Fatality Chart...2005 to 2012. During this eight-year period, 251 Americans were fatally bitten by a dog. Of those fatalities, 60% were by pit bulls and 13% by Rottweiler's. **Exhibit# 2** (Source: DogsBite.org)

?x-1-! 1/ /

Dogs bite Some dogs don't let go DogsB1te.org

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In the 8-year period from 2005 to 2012, pit bulls killed 151 Americans and accounted for 60% of the total recorded deaths (251). Combined, pit bulls and rottweilers accounted for 73% of these deaths. | [More »](#)

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[bsl FAQ](#) [state-by-state](#) [military regulation](#) [constitutionality](#) [appellate decisions](#)

Washington breed-specific laws ::

If you know of a pit bull ordinance that is not listed here, please send us a link to the ordinance or published news article so that we can update this web page: ordinance@dogsbite.org.

Dangerous dog ordinances

Pit Bull Ordinances in Washington

City Website	View Ordinance	Type of Ordinance
	Section 6.35	Fighting breeds declared "potentially dangerous" including Akita, American Pit Bull Terrier, American Staffordshire Terrier, Bull Terrier, Cane Corso, Dago Argentina Dogue de Bordeaux, Kuvasz, Pit Bull Terrier, Presa Canario, Staffordshire Bull Terrier, Tosa Inu
	Section 6.10.20	Bans pit bulls
	Section 6.10.020	Bans pit bulls
	Section 9.30.090	Bans pit bulls
	Section 6.10.020	Bans pit bulls
	Section 8.08.010	Pit bulls and rottweilers declared "potentially dangerous"
	Section 7.08	Bans pit bulls
	Section 6.08.010	Pit bulls declared "potentially dangerous" 1987 legal notes
	Section 6.08.020	Restricts pit bulls
	Section 6.06.010	Pit bulls declared "dangerous"
	Section 8.02.320	Pit bulls declared "potentially dangerous"
	Section 6.04.010	Pit bulls declared "dangerous"
	Section 8.02.320	Pit bulls declared "potentially dangerous"
	Section 6.40.010	Pit bulls declared "potentially dangerous"
	Section 8.06.010	Pit bulls declared "potentially dangerous"
	Section 6.06.010	Bans pit bulls
	Section 6.04.020	Pit bulls declared "potentially dangerous"
	Animal control	Bans pit bulls
	Section 6.04.020	Bans pit bulls and rottweilers
	Section 6.05.120	Pit bulls declared "dangerous"
	Section 5.07.080	Bans pit bulls
	Section 6.02.045	Bans pit bulls
	Section 6.06	Pit bulls declared "dangerous"
	News article	Bans pit bulls, rottweilers, mastiffs, and American bulldogs
	Section 6-18	Bans pit bulls

8-Year U.S. Dog Bite Fatality Chart - 2005 to 2012

During this 8-year period, 251 Americans suffered death due to dog bite injury.

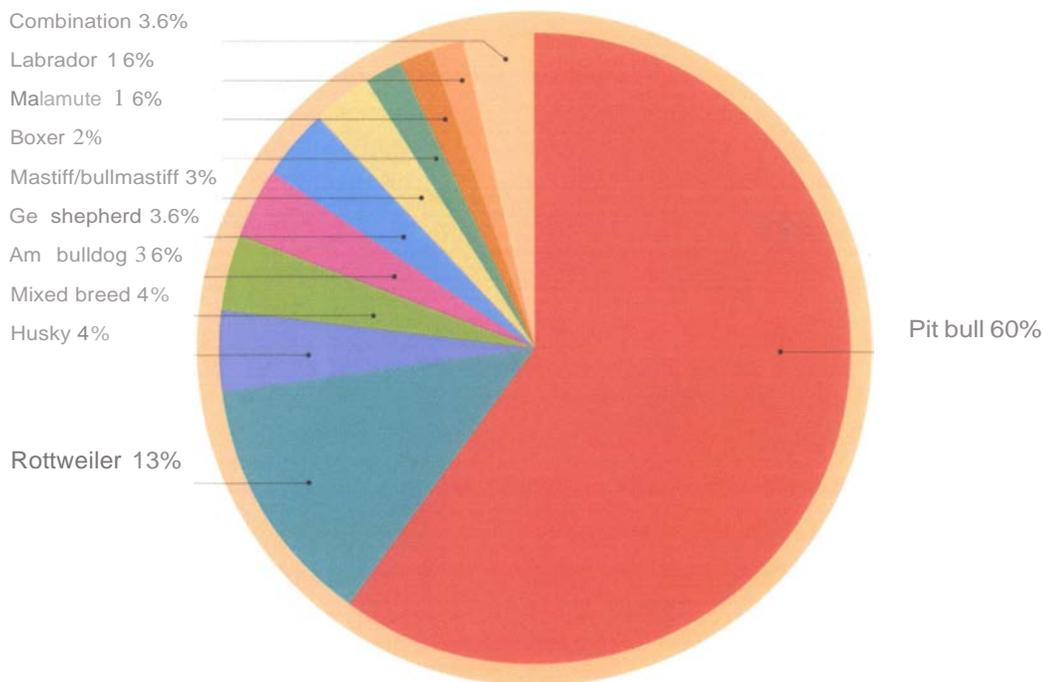


Chart Key

%	Deaths	Dog Breed
60%	(151)	Pitbull
13%	(32)	Rottweiler
4%	(10)	Husky
4%	(10)	Mixed breed
3.6%	(9)	American bulldog
3.6%	(9)	German shepherd
3%	(8)	Mastiff/bullmastiff
2%	(5)	Boxer
1.6%	(4)	Malamute
1.6%	(4)	Labrador
3.6%	(3 and less)	Combination*

*Multiple dog breeds contributed to the deaths of 3 or fewer persons during this period including, but not limited to: chow chow, wolf hybrid, doberman pinscher, cane corso, presa canario and golden retriever.

DogsBite.org contains verifiable information about U.S. citizens killed by dogs including the name and age of each victim, location of attack, dog breed and up to 18 other factors. Source citations are available at: <http://www.dogsbite.org/dog-bite-statistics-fatality-citations.php>



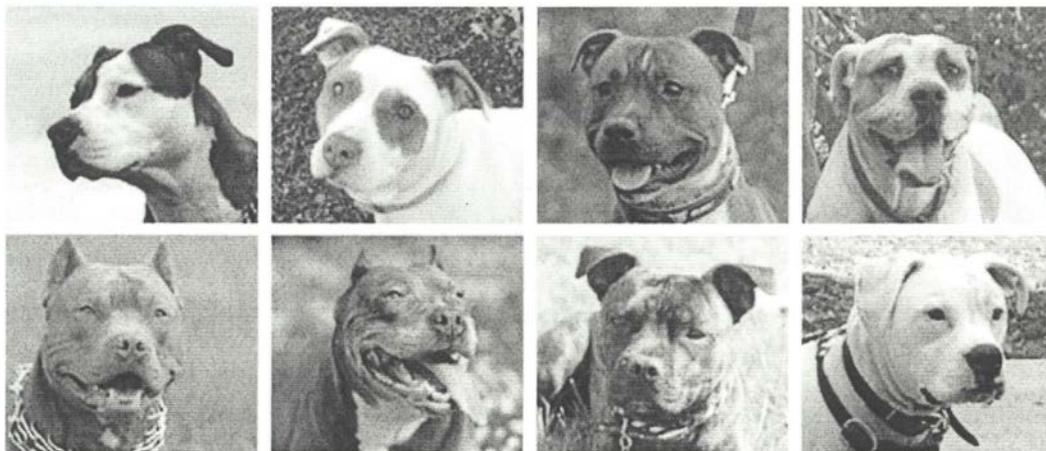
DogsBite.org

Pit bull faq

DogsBite.org | <http://www.dogsbite.org/dangerous-dogs-pit-bull-faq.php>

Q: What is a pit bull?

The legal definition of a pit bull is a class of dogs that includes the following breeds: American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, American bulldog¹ and any other pure bred or mixed breed dog that is a combination of these dogs. Weight and shape can vary significantly amongst pit bulls, from 35 to 100 plus pounds. (Please see Disguise Breed Name to learn more about the deliberate renaming and mislabeling of pit bulls through history.)



From left: American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier and American bulldog.

Q: What is the history of the pit bull?

The blood sport of "bull baiting" began over 1,000 years ago in England (various sources dispute this date). What is undisputed is that by 1500, bull baiting had progressed to Britain's national pastime. Bulldogs were reportedly first mentioned by name in 1631, referring to their function rather than a distinct dog breed. By 1800, and through further selective breeding, the bulldog developed into a compact muscular dog characterized by tremendous jaw strength.²

Due to public outrage, bull baiting was banned in England in 1835. Bulldog breeders and owners then moved to the sport of "rattling," where a number of rats were placed into a pit and wagers were made on how many rats the dog could kill in a certain time period. To increase agility, quickness and prey-drive in the bulldog, ratters crossed the breed with terriers. Essentially, it was the sport of rattling that combined the bulldog and terrier into the modern day pit bull terrier.

¹ Progressive pit bull legislation includes the American bulldog in its definition of a pit bull.

² The History of Bull Baiting, by Amy Fernandez, DogChannel.com.

On the heels of ratting, dogfighting developed. Pit bulls and dogfighting were exported to America as settlers made their way to the New World. In 1884, the American Kennel Club was formed but rejected pit bulls due to their use in dogfighting. In response, Chauncey Z. Bennett formed the United Kennel Club in 1898 to bring formal recognition to the pit bull breed. At that time, Bennett also drew up rules and regulations for dogfighting to bring "organization" to the blood sport.³

Q: What is dogfighting and what does it have to do with pit bulls?

Pit bulls are the dog of choice amongst *dogmen*, individuals who fight their pit bulls against other pit bulls. Dogmen consider pit bull terriers, who they commonly call "100% bulldogs," to be the ultimate canine gladiator. Pit bulls were selectively bred for "gameness," the ability to finish a fight. A truly gamedog will continue fighting "on stumps," two or more broken legs, and far worse.⁴ (Please see excerpts from *The Complete Gamedog*, by Ed and Chris Faron to learn more).

The blood sport of dogfighting involves a contest between two dogs, primarily pit bulls, fighting each other in front of spectators for entertainment and gambling purposes. Other felonious activities, such as illegal drugs, often accompany dogfight matches. A single dogfight averages about an hour in length but can last two or more.⁵ A dogfight begins when a referee says, "Face your dogs," then says, "Let go." The fight ends when one of the dogs will not or cannot continue.

The arrest and conviction of Michael Vick shows that dogfighting still proliferates in the U.S. Law enforcement education, however, is on the rise. In July 2009, authorities unleashed an 8-state simultaneous dogfighting sting and seized over 450 dogs.⁶ In December 2008, Edward Faron of Wildside Kennels, known as the "godfather" of dogfighting, was arrested and charged. Authorities seized 127 pit bulls from his property. Faron pleaded guilty to 14 counts of felony dogfighting.⁷

Q: Why do I always read about pit bulls in the news?

When a pit bull attacks, the injury inflicted may be catastrophic. First responders, such as police officers and firefighters, understand this as do members of the media, who are quick to report these attacks. Ongoing social tension also keeps pit bulls in the news. The pit bull problem is nearly 30-years old.⁸ In this time, most lawmakers have been "too afraid" to take breed-specific action to correct the problem. Due to this failure, horrific maulings continue to make headlines.

About half of all media reports regarding pit bulls involve police officers shooting dangerous pit bulls in the line of duty.⁹ Since the late 1970's pit bulls have been used extensively in criminal operations for drug dealers, gang members and other violent offenders. The pit bull terrier is the

³ American Pit Bull Terrier Handbook, by Joe Stahlkuppe, Barron's Educational Series, Inc., 2000.

⁴ The Complete Gamedog: A Guide to Breeding & Raising the American pit bull terrier, by Ed and Chris Faron, Walsworth Pub. Co., 1995.

⁵ Dogfighting Fact Sheet, The Humane Society of the United States.

⁶ Eight-State Dogfighting Raid Largest in U.S. History, by Wayne Pacelle, The Humane Society of the United States, July 9, 2009.

⁷ Dog-fighting 'godfather' given prison, by Monte Mitchell, *Winston-Salem Journal*, February 13, 2009.

⁸ Pit Bulls -- Family Pets and Fierce Fighters, by Tom Greely, *Los Angeles Times*, July 25, 1982.

⁹ Combined data from: Mid Year Results: U.S. Pit Bull Attacks 2009 and Mid Year Results: U.S. Police and Citizen Shootings of Pit Bulls 2009, by DogsBite.org, August 2009.

breed of choice for criminals. This choice is directly linked to the pit bull's selectively bred traits of robust jaw strength, a deadly bite style, tenacity (gameness) and a high tolerance to pain.¹⁰

Q: Why do people say that pit bulls "don't let go?"

Through selective breeding, pit bulls have developed enormous jaw strength, as well as a ruinous "hold and shake" bite style, designed to inflict the maximum damage possible on their victims. This bite trait delivered winning results in the fighting pit. When the Colorado Supreme Court upheld the Denver pit bull ban in 2005, the high court set aside characteristics that pit bulls displayed when they attack that differ from all other dog breeds. One of these characteristics was their lethal bite:

"[pit bulls] inflict more serious wounds than other breeds. They tend to attack the deep muscles, to hold on, to shake, and to cause ripping of tissues. Pit bull attacks were compared to shark attacks."¹¹

Leading pit bull education websites, such as Pit Bull Rescue Central, encourage pit bull owners to be responsible and to always carry a "break stick" -- a tool used to pry open a pit bull's jaws -- in case their dog "accidentally" gets into a fight. These same websites also warn that using a break stick on any other dog breed may cause serious injury to the person.¹² This is true because no other dog breed possesses the pit bull's tenacity combined with a "hold and shake" bite style.

One of the most powerful examples of a pit bull "not letting go" occurred in an Ohio courtroom. During the Toledo v. Tellings trial (Tellings was convicted of violating the City of Toledo's pit bull ordinance), Lucas County Dog Warden Tom Skeldon showed a videotape of a tranquilized pit bull hanging from a steel cable. The dog is essentially unconscious and still does not release its grip. At the time of the taping, the pit bull was being housed at the Lucas County Animal Shelter.¹³

Q: Do pit bulls bite more than other dogs?

Depending upon the community in which you live and the ratio of pit bulls within it, yes and no. But whether a pit bull bites more or less than another dog breed is not the point. The issue is the acute damage a pit bull inflicts when it does choose to bite. The pit bull's "hold and shake" bite style causes severe bone and muscle damage, often inflicting permanent and disfiguring injury. Moreover, once a pit bull starts an attack, firearm intervention may be the only way to stop it.

When analyzing dog bite statistics, it is important to understand what constitutes a bite. A single bite -- recorded and used in dog bite statistics -- is a bite that "breaks the skin." One bite by a poodle that leaves two puncture wounds is recorded the same way as a pit bull mauling, which can constitute hundreds of puncture wounds and extensive soft tissue loss. Despite the "quagmire" of dog bite statistics, pit bulls are leading bite counts across U.S. cities and counties.¹⁴

¹⁰ One City's Experience, by Kory A. Nelson, Senior City Attorney for the City of Denver, *Municipal Lawyer*, July/August 2005.

¹¹ Pit Bull Case Report and Literature Review, by Steven F. Vegas, MD, Jason H. Calhoun, MD, M. Eng., John Mader, MD, *Texas Medicine*, Vol. 84, November 1988.

¹² Breaking Up a Fight, Pit Bull Rescue Central.

¹³ Information provided by the Lucas County, Ohio Dog Warden.

¹⁴ Pit Bulls Lead "Bite" Counts Across U.S. Cities and Counties, by DogsBite.org (continuously updated).

Q: How come pit bull owners say, "My dog might lick you to death."

To understand the experience of owning a negatively perceived dog, Tufts Center for Animals and Public Policy did a study on pit bull owners. Researchers found that owners of out-law dog breeds directly feel the stigma targeted at their breed and resort to various tactics to lessen it. One of the tactics included attempts to counterbalance the pit bull's menacing appearance and physical power with overwhelming "affectionate" behavior, such as: "My dog might lick you to death."¹⁵

Q: Why does my friend say, "Pit bulls are dog-aggressive not people-aggressive?"

Due to selective breeding for the purposes of dogfighting, pit bulls are highly dog-aggressive. This aggression is not limited to dogs; pit bulls frequently kill other companion pets and domesticated animals. Leading pit bull education websites warn pit bull owners to, "Never trust your pit bull not to fight." These same websites also state that pit bulls should never be left alone with another dog or animal.¹⁶ The practical question is: Why is "pit bull dog aggression" tolerated at all?

Pit bull dog aggression is unacceptable for two reasons. In many instances it leads to human aggression. A common scenario is the following: A loose pit bull attacks a leashed dog being walked by its owner. The owner gets seriously injured trying to stop the attack. In 2009, two human beings suffered death due to pit bull dog aggression: Rosie Humphreys, who had been walking her two poodles, and Carter Delaney, who had tried to protect a smaller dog in his home.

Secondly, far too many beloved companion pets and domesticated animals suffer a violent death by the powerful jaws of pit bull terriers each year. In some instances, these attacks involve pit bulls charging through screen doors of private homes -- in a home invasion attack -- to kill the pet living inside.¹⁷ Owners of the pet are then forced to watch as their pet is disemboweled by the pit bull and pray that the dog does not turn its attention on an innocent family member next.

Q: What is the best thing we can do for communities and pit bulls?

The best thing we can do for communities and pit bulls is to regulate pit bull ownership and pit bull breeding. Lowering the pit bull population will reduce the number of serious maulings, as well as pit bull euthanizations. In the July/August 2009 issue of *Animal People*, the group estimated that of the 1,663,167 shelter dogs projected to be euthanized in 2009, pit bulls accounted for 58%. This is true despite the fact that pit bulls only make up 5% of the total U.S. dog population.¹⁸

Over 650 U.S. cities and nearly all privatized military housing -- the U.S. Army and U.S. Marine Corps now have uniform pet policies -- have adopted breed-specific laws to correct the pit bull problem. Such measures include: mandatory sterilization, liability insurance and strict containment rules. The most progressive legislation bans the future breeding of pit bulls (a pit bull ban). In just a few years, these communities see a significant drop in pit bull bites and euthanizations.

¹⁵ Managing the Stigma of Outlaw Breeds: A Case Study of Pit Bull Owners, by Hillary Twining, Arnold Arluke, Gary Patronek, Tufts Center for Animals and Public Policy, *Society & Animals Journal of Human-Animal Studies*, Vol. 8 Number 1, 2000.

¹⁶ 10 Easy to Remember Tips for Responsible Pit Bull Owners, PitBulllovers.com.

¹⁷ Pit bull put down after attack, by Kieran Nicholson, *The Denver Post*, March 3, 2009.

¹⁸ Decade of Adoption Focus Fails to Reduce Shelter Killing, by Merritt Clifton, *Animal People*, July/August 2009.

About Us

DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks . Through our work, we hope to protect both people and pets from future attacks. Our website, www.dogsbite.org, was launched in October 2007 and contains a wide collection of data to help policymakers and citizens learn about dangerous dogs. Our research focuses on pit bull type dogs. Due to selective breeding practices that emphasize aggression and tenacity, this class of dogs negatively impacts communities the most. Our website hosts important dog bite studies, U.S. dog bite fatalities and other key bibliographies. In the Legislating Dogs portion of our site, we offer examples of breed-specific laws (state-by-state) and documentation of the constitutionality of these laws. The Victim Realities section provides a glance into the unforgettable stories victims leave behind and much more. DogsBite.org operates out of Austin, Texas.



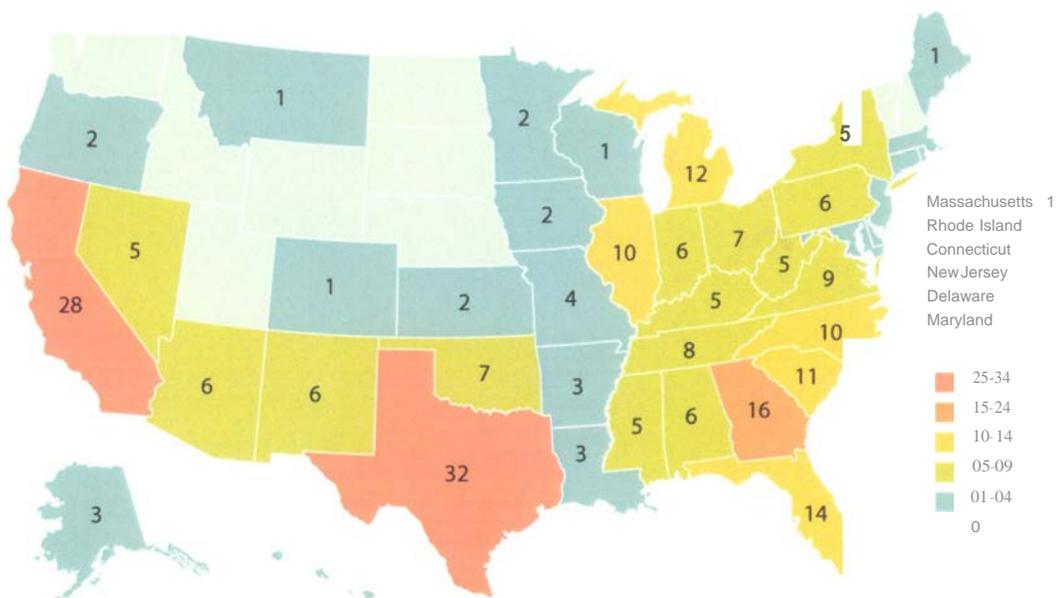
DogsBite.org

P.O. Box 12443
Austin, TX 78711

www.dogsbite.org
info@dogsbite.org

8-Year U.S. Dog Bite Fatality State Map - 2005 to 2012

During this 8-year period, 251 Americans suffered death due to dog bite injury.



State Listing

Texas §	32	New Mexico	6
California §	28	Pennsylvania §	6
Georgia	16	Kentucky	5
Florida §	14	Mississippi	5
Michigan	12	Nevada	5
South Carolina	11	New York §	5
Illinois §	10	West Virginia	5
North Carolina	10	Missouri	4
Virginia §	9	Alaska	3
Tennessee	8	Arkansas	3
Ohio	?	Louisiana	3
Oklahoma §	7	Iowa	2
Alabama	6	Kansas	2
Arizona	6	Minnesota §	2
Indiana	6	Oregon	2

§ Indicates states with full or partial anti-BSL law; < 2 deaths not in text listing.

DogsBite.org contains verifiable information about U.S. citizens killed by dogs including the name and age of each victim, location of attack, dog breed and up to 18 other factors. Source citations are available at: <http://www.dogsbite.org/dog-bite-statistics-fatality-citations.php>



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State pit bull fatality maps ::

View the top fatal pit bull attack state maps as well as states that DogsBite.org is watching.

Top states

- [Texas](#)
- [California](#)
- [Georgia](#)
- [Florida](#)
- [Michigan](#)
- [South Carolina](#)
- [Illinois](#)
- [North Carolina](#)
- [Ohio](#)
- [New York](#)

Watching

- [Alabama](#)
- [Arizona](#)
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Breed-specific laws state-by-state

Over [600 U.S. cities](#) have enacted breed-specific laws (BSL). Cities, [such as Denver](#), that reside within a state containing an "anti-BSL clause" have effectively implemented them as well.

Municipalities with BSL

Alabama	Maryland	Pennsylvania
Alaska	Massachusetts	Rhode Island
Arkansas	Michigan	South Carolina
California	Mississippi	South Dakota
Colorado	Missouri	Tennessee
Delaware	Montana	Texas
Florida	Nebraska	Utah
Georgia	New Jersey	Vermont
Idaho	New Mexico	Virginia
Illinois	New York	Washington
Indiana	North Carolina	West Virginia
Iowa	North Dakota	Wisconsin
Kansas	Ohio	Wyoming
Kentucky	Oklahoma	District of Columbia
Louisiana	Oregon	Indian Reservations

States with constitutionally upheld BSL

Appellate courts in twelve U.S. states, as well as the District of Columbia, have upheld the constitutionality of breed-specific pit bull laws. Learn more in [constitutionality](#).

Arkansas	Kansas	Utah
Colorado	Kentucky	Washington
Florida	New Mexico	West Virginia
Iowa	Ohio	Wisconsin
		District of Columbia

International BSL

Many foreign countries have enacted breed-specific laws as well, including: Canada, Great Britain, Germany, France, Ireland, Australia, and more. Please see [related blog post](#)

- [Ireland Dog Control Act](#) | [Dublin Breed Ban](#)
- [New South Wales Companion Animal Act](#)
- [New Zealand Dog Control Amendment Act](#)
- [Ontario Canada Dog Owners' Liability Act](#)
- [Winnipeg Canada The Pound By-law](#)
- [Singapore Dog Licensing and Control](#)
- [Spain Ownership of Potentially Dangerous Animals](#)



In the 8-year period from 2005 to 2012, pit bulls killed 151 Americans and accounted for 60% of the total recorded deaths (251). Combined, pit bulls and rottweilers accounted for 73% of these deaths. | [More »](#)

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Friday, January 11, 2013

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2012 U.S. Dog Bite Fatality Statistics - DogsBite.org

Fatal Dog Attack Statistics

DogsBite.org recorded 38 fatal dog attacks in 2012. Citations of each victim's story are located on the [Fatality Citations](#) page. The last year the CDC recorded [human deaths by dog breeds](#) was 1998. Likely due to pressures from animal advocacy groups, the CDC stopped further research into this area. Since 1998, [pit bulls alone have killed 208 U.S. citizens](#). The only other known entity, in addition to DogsBite.org, that tracks this vital data publicly is [Animal People](#).

38 U.S. fatal dog attacks occurred in 2012. Despite being regulated in [Military Housing areas](#) and over [600 U.S. cities](#), pit bulls contributed to 61% (23) of these deaths. Pit bulls make up less than 5% of the total U.S. dog population.⁴ Together, pit bulls (23) and rottweilers (3), the second most lethal dog breed, accounted for 68% of all fatal attacks in 2012. In the 8-year period from 2005 to 2012, this combination accounted for 73% (183) of the total recorded deaths (251).

The breakdown between pit bulls and rottweilers is substantial over this 8-year period. From 2005 to 2012, pit bulls killed 151 Americans, about one citizen every 19 days, versus rottweilers, which killed 32, about one citizen every 91 days. Annual data from 2012 shows that 50% (19) of the victims were adults, 21-years and older, and the other half were children, ages 8-years and younger. Of the total children killed by dogs in 2012, 79% (15) were ages 2-years and younger.

Annual data also shows that males were more often victims, 61% (23), than females. The majority of male victims, 61% (14), were ages 8-years and younger. Of the total female victims, only 33% (5) fell into this same age group.

In 2012, roughly one-third, 32% (12), of all dog bite fatality victims were either visiting or living temporarily with the dog's owner when the fatal attack occurred. Children 8-years and younger accounted for 75% (9) of these deaths.

34% (13) of all fatalities in 2012 involved more than one dog; 13% (5) involved breeding on the dog owner's property either actively or in the recent past, and 5% (2) involved tethered dogs, down from 6% in 2011, 9% in 2010 and 19% in 2009.

In 2012, dogs referred to as a "rescue" accounted for at least 13% (5) attacks that resulted in death. Children suffered the brunt of these attacks with 3 deaths. The adults afflicted, 2 adult females, were killed by their own pack of "rescued" dogs.⁵

Dog ownership information for 2012 shows that family dogs comprised 58% (22) of all fatal occurrences; 82% (31) of all incidents occurred on the dog owner's property and 18% (7) resulted in criminal charges, down from 29% in 2011.⁶

California and North Carolina led fatalities in 2012, each with 4 deaths. 75% of the California deaths occurred in San Diego County. Pit bull-type dogs accounted for 88% (7) of the 8 deaths. New Mexico, Ohio and Texas followed, each with 3 deaths.

See: Full news release.

Discussion Notes

2012 is the first year that DogsBite.org is adding a discussion section to our annual dog bite fatality statistics. Annual data from 2012 shows a continuation of existing trends and new trends as well, some of which we will track in the future. To start, in the 8-year combined results, we see a whole number drop again in the average number of days, 19, that a pit bull kills an American, down from every 20 days in 2005 and 21 days in 2009.

By reviewing the [Fatality Citations](#) website, one sees that in the 8-year period from 1997 to 2004, pit bulls killed an American every 48 days. If one reaches back further into the 1980s, when the pit bull problem erupted on a national scale and [pit bull law](#), the spacing is even further. In the 8-year period from 1981 to 1988, a pit bull killed a person about every 65 days. This is generous, as the [CDC fatality data](#) shows every 70 days.

There is no dispute that pit bulls are killing at an accelerated pace. What is unknown is the "magic number" that must be reached -- a pit bull killing a person every 15, 10 or 5 days? -- before more lawmakers respond with measures to reduce these injuries and deaths. It is also unknown when more parents will reject the [propaganda about this dog breed](#) spread by pit bull owners and animal welfare groups, and become [aware of the injuries and deaths attributed to them](#).

That roughly one-third of all fatal dog attacks in 2012 occurred when the victim was either [visiting or living temporarily](#) with the dog's owner, and that 75% of the victims in these circumstances were children should send a powerful message to parents. There is an extremely heightened risk factor when a child is placed into these two scenarios, especially when the dog is a pit bull or rottweiler. In 2012, these two dog breeds accounted for 78% of the child deaths in these scenarios.

The death of a child by a so-called "service dog" also occurred under these circumstances. Last January, a 6-year old boy and his family were [visiting the home of a military serviceman](#) in Oak Grove, Kentucky whose dog was allegedly trained to help him cope with Post-Traumatic Stress Disorder. The dog horribly attacked the boy, killing him. There will be more "service dog" deaths, as the revised ADA [fails to require certified training of a service dog](#).

In 2012, two "missing children" cases required multiple law enforcement agencies to carry out search and rescue missions. [Kylar Johnson](#), 4-years old of Victoria, Texas was discovered dead 14 hours later, killed by a chained pit bull. [Brvton Cason](#), 4-years old of Donalsonville, Georgia was discovered in his own front yard three hours later, killed by a loose dog. In the future, we might expect similar "missing children" search missions to be linked to a dangerous dog.

In 2012, two dog bite-related fatalities involved United States Postal Service employees. Dog bites and dog aggression have historically posed a problem for letter carriers, but the October attack on 55-year old Robert Rochester Jr., of New Castle, Delaware, further intensifies it. The dog in this instance escaped its owner's fenced property and viciously attacked Rochester who was collecting mail from a bin on a street, not making deliveries. Rochester died six days later.

In 2012, due to legal maneuverings by animal rights groups, two dogs that killed humans were spared euthanasia. On April 27, a [Pennsylvania](#) agreed to send a husky that [led a dog to an out-of-state "sanctuary."](#) The next case emerged on the same day, after a [9-year-old boy](#) was killed by his grandmother's mastiff. The mastiff remains in quarantine awaiting a decision by the [Nevada Supreme Court](#) after intervention by the Lexus Project.

The circumstances and legal issues of the two cases differ, but the results are the same: the dog is sent to an out-of-state "sanctuary" to live out the rest of its life. Yet, after a dangerous dog is shipped across state lines, what oversight follows? In January, the [Lexus Project gained ownership](#) of a pit bull-type dog that was [involved in a man's death](#). The group sent the dog, named Bones, to a residential home in Ohio that had 15 other dogs. [Bones is currently missing](#).

Conclusion

The data from 2012 is painfully clear. Innocent people continue to be the sufferers of the local and national battles waged by [pit bull owners](#) and [animal control agencies](#), who have abandoned the issue of dangerous dog breeds since their last published study in 2000, a study that had [replaced veterinarians](#) instead of medical doctors for human beings.

At that time, the CDC was led to believe by the animal authors that pit bulls had been [responsible for more deaths](#) than rottweilers, thus legislating specific dog breeds would be fruitless. Did the CDC doctors ever imagine back then that about a decade later an American would die every 19 days as the result of pit bull mauling? This is unknown, but the animal authors did know; each understood the unique attack behaviors of dogs [selectively bred to fight to the death in a pit](#).

If the public has to wait for the "magic number" to reach every 10 days, or worse every 5, to gain the attention of public health officials, the volume of serious and fatal maulings inflicted by well-documented dangerous dog breeds will be unspeakable.

¹[Mable McMillan](#) died on December 31, 2011, but her death was not reported until January 3, 2012. Mable is included in the 2012 dog bite fatality statistical data and excluded from 2011. At least two additional victims died due to dog bite-related injuries in 2012. These deaths involved non-dog bite injury, minor dog bite injury or lacked a "reasonably clear" determination of death due to dog bite injury and are not included in the DogsBite.org statistical fatality data: [lim](#) [Irjqljeli](#), 49-years old (Douglas County, GA) and [.er.Y.PJJ](#), n. 50-years old (Omaha, NE).

²[Dog attack deaths and maulings U.S. & Canada](#), by Merritt Clifton, *Animal People*.

³The decrease from previous years is due to re-compiling the master list in late December to account for the loss of Ohio's pit bull law in 2012.

⁴[More adoptions will not end shelter killing of pit bulls](#), by Merritt Clifton, *Animal People*, October 2011.

⁵DogsBite.org defines a "pack" as four or more dogs. [Dawn Brown](#) was excluded, her dog was not termed a "rescue."

⁶This is true as of January 11, 2013. Over the course of this year, authorities may file charges in more 2012 cases.

⁷While working at the Humane Society of the United States, Randall Lockwood participated in [three dog bite fatality studies](#). Ironically, Lockwood's research of fighting dogs (the PDF file) was used to [uphold the Denver pit bull ban](#).

Labels: 2012 Dog Bite Fatality, Animal People, CDC, [Dog Bite Fatality Statistics](#), Fatal Pit Bull Attack, Fatal Rottweiler Attack, Pit Bull Statistics

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DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks.
Through our work, we hope to protect both people and pets from future attacks.

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Date	Location	Victim	Pit Bull injuries and attacks
2013	Kernersville, NC	25 YO female	woman was attacked and killed as she fed two pit bulls that she raised since they were puppies
2013	Baltimore, MD	56 YO female	disabled woman was mauled to death by her pet pit bull after she fell out of her wheelchair; when she was on the floor her dog "ripped her apart"
2013	Spanaway, WA	65 YO female/ 52 YO man	woman walking down the street was attacked by two pit bulls then they turned on a man who tried to help her; extensive injuries to her arm; "the dogs were tearing into the flesh of the woman as she was screaming"
2013	Henderson Cty, KY	10 YO male	boy had his nose bitten off by a pit bull while visiting friends
2013	Chemung Cty, NY	11 YO female 13 YO male	two children were severely injured after being mauled by a family pit bull
2013	Yakima, WA	47 YO male	he was out walking his dog when he was attacked by two pit bulls; man had over 200 stitches and staples in his body; dog narrowly survived
2013	Katy, TX	96 YO male	neighbors dogs get through fence and mauled and killed a 96 year old man; the lower part of one of the victim's legs was missing; severe wounds consistent with bite marks covered one of his legs and his pet Chihuahua was lying nearby also dead
2013	Oildale, CA	50 YO female/ 30 YO male	man went into a backyard where his son lived and was mauled by 3 pit bulls; neighbor came to help and she suffered major injuries including numerous bites to her upper body, arms and legs; another neighbor stated the dogs were friendly and "Those dogs were good dogs"
2013	Oregon	5 YO male	boy mauled to death by friend's adopted pit bull; boy left with extensive injuries which caused him to bleed to death
2013	Jacksonville, FL	20 YO male	man riding is scooter was attacked and seriously injured
2013	Riverside, CA	Unk female	a mother has been disfigured and left with horrific injuries after being attacked by two pit bulls as she walked her dog; had to have her arm stapled together and was left unable to close one of her eyes because of the extent of the injuries to her face; "so much of her arm was eaten away...they can't even close the wound. They almost ripped her cheek all the way off."

2013	Grand Island, ND	UNK female	woman and her 4 year old grandson were attacked by a pit bull at a relative's home; lady underwent three surgeries in four days; the pit bull bit so hard that it left teeth marks on her bone; "Every bone in my hand, in my arm was broke and crushed and just scattered into pieces."
2013	Arizona	2 YO male	boy mauled to death while at babysitters home; the babysitter tried to pull the dogs off the boy and was injured herself
2013	Jasper County	46 YO female	walking outside her home when she was attacked by a group of pit bulls; "she was covered in blood and flesh was ripped off her arms"; the sheriff's office stated that "if this was a child that was attacked, they wouldn't have survived"
2013	Avondale, AZ	Unk	mother trying to save her daughter, 3, from jaws of crazed family pit bull bitten 50 times and left with horrific injuries that landed her in a coma, the pooch that she had raised from a puppy started mauling her, ripping her legs to the bone, "he was trained and always good with the kids", the crazed dog tor large chunks of flesh from her body, gnawed at one of her fingers on the right hand to the point that it had to be amputated and damaged a tendon in her arm leaving her unable to move the rest of the digits
2013	Chicago, IL	25 YO male	six pit bulls escaped yard and critically injured 25 year old man
2013	Walworth, WI	14 MO male	boy was savagely mauled and killed by two pit bulls while under the care of his babysitter; father stated, "believing the myth it's not the breed it's all how you raise them is what left us without a son"; there were unimaginable bruises and bites all over his legs, arms, body and his head; one side of his face was entirely ripped off, his skull crushed and one eye dangled from its socket
2013	Sydney, AU	49 YO male	attacked by two pit bulls while out for a jog; "I could see the meat coming off my bones", the responding paramedic said he could see the man's heart and he lost about two litres of blood; "I survived because I'm in good shape. If it had been a child or elderly person they wouldn't have survived."
2013	Baton Rouge, LA	7 YO female	girl spent two days in intensive car after being attacked by a neighbors pit bull while playing in her front yard; "she had deep gashes on her right cheek, she had a couple of punctures in her throat, her ear was pretty much just hanging...she had deep lacerations in the corner of her eye. She had so much blood all over her, just draining down her face."
2013	Union City, CA	6 YO male	boy died after he was attacked by a pit bull that belongs to his uncle
2013	Spain	34 YO male	the dogs' trainer suffered a heart attack then the dogs started eating his body; parts of his head had been ripped off by the dogs; the face was shattered by bites and lacerations were found all over his body so fingerprint analysis had to be used to confirm his identity

2013	Caledonia, WI	15 MO UNK	child suffered severe facial tears, puncture wounds and is missing teeth after being bit by pit bull
2013	Australia	52 YO male	man was attacked by pit bulls from behind while walking to his car
2013	Australia	Unk female	woman was walking her dog when they were attacked by a stray pit bull
2013	Fulton County, GA	2 YO male	toddler killed by the family's pet 8 year old pit bull; "for those who wish to argue that attacks by pit bulls can all be blamed on the owner training the dog to be mean, read below about how Angela and Jeremiah made their 8 year old pit bull part of the family", boy was savagely mauled to death, according to the father of the boy, Jeremiah, "Those dogs cannot be domesticated."
2013	Beeville, TX	UNK	woman was attacked by her pit bull after she spanked it on the rear when it was going to make a mess on the couch; the first officer on scene stated that "he has seen combat injuries that weren't as bad. There was blood everywhere, and the tissue damage was incredible. The female extensive injury to her arms. She had puncture wounds to the back of her neck, on both sides of her spine. The male subject suffered a partial amputation of one of his fingers, as well as extensive injury to both legs and both arms, as well as his chest." A neighbor stated, "He was all beaten up, all over his body. Like bad. His finger was hanging off. He had got bit on his mouth. She had a deep laceration. You could see her meat, on her left arm. It was bad. She was about to pass out."
2013	Chicago, IL	9 YO male	male seriously injured when neighbor's pit bull got out; boy underwent 7 hours of surgery
2013	Brimbank, VC	animal	an elderly woman was walking her two poodles when one of them was snatched by a pit bull and mauled to death, "attack leaves poodle without a face"
2013	Phoenix, AZ	12 YO male 9 YO male 57 YO male	dog was hiding under a trailer and attacked the boy for no reason
2013	San Joaquin Cty	38 YO female	pit bull attacked and killed woman in front yard of a residence; several massive wounds
2013	Dundalk, MA	UNK	female, toddler was sleeping on the couch when a put bull attacked her in the face; according to the uncle that witnessed the attack, "After seeing it myself, I would never own another one. I would never allow one around my kids or my family ever again."

2013	Buena Vista, MI	3 YO female	toddler is recovering after being nearly mauled to death; girl suffered massive puncture wounds to the side of her face and even lost a portion of her ear
2013	Sacramento, CA	UNK	man trying to save his wife from pit bull attack suffered multiple bites to his face and legs
2013	Florence Cty, SC	5 YO female	girl was mauled and killed by a pit bull while at a relative's home
2013	Lubbock, TX	7 YO female	a little girl will be spending the next two days in intensive care after her mother says she was viciously attacked by a pit bull
2013	Coffeyville, KS	2 DO UNK	family pit bull severely mauled a two day old baby
2012	Cleveland, TN	84 YO female	attacked by grandson's pit bull; bitten in her face and neck and spent 4 days in trauma unit
2012	Magnolia, TX	16 MO male	mauled to death by grandparents pit bull
2012	Escondido, CA	59 YO female	bitten on both legs when delivering mail; died a few days later (hypertension, cardiovascular disease and dog bites"
2012	Victoria County, TX	4 YO male	mauled to death by neighbor's chained pit bull
2012	Mead, OK	92 YO male	brutally struck down by neighbors two pit bulls while working in his yard; he was chewed and drug around the yard; both feet, his face, his ears; his lips were gone; didn't even look like the same person
2012	Santa Fe, NM	74 YO male	mauled to death by one of his pet pit bulls while watering plants in his front yard
2012	Las Cruces, NM	15 MO female	brutally mauled to death by her father's pet pit bull in the backyard of her grandparent's home
2012	Township, OH	3 DO female	died hours after being bitten on the head by the family pit bull; died from blunt force injury to the head
2012	Roxboro, NC	65 YO male	discovered dead under a carport where he was housesitting; body was found naked with his clothes "balled up" beside him, surrounded by bloody dog paw prints and severe dog bit injuries along his right arm
2012	Lemon Grove, CA	8 MO male	killed by one of three pit bulls owned by his mother's roommate; dog bit the infant on the head inflicting fatal injuries; "the dog

			seemed to watch over the infant like a protective parent"
2012	Indianapolis, IN	UNK male UNK female	Animal control officer severely injured after being mauled by a pit bull – dog had mauled a woman (the owner) earlier in the day and he was following up on the attack; "I have tear wounds on my arm and some leg bites as well," stated the officer
2012	Reno, NV	50 YO male	attacked and mauled by friend's pit bull; the dog continued biting him up and down his legs until he dropped to the ground, the dog then bit into the victim's neck; victim died due to asphyxia due to compression of the larynx and trachea by a canine and multiple blunt force injuries
2012	Cincinnati, OH	40 YO male	died after being attacked by his own dog
2012	Decatur, GA	23 YO female	killed by one of the dogs she rescued
2012	Chicago, IL	44 YO male	killed in his home by family pit bulls; his wife and son found him dead with the pit bulls gnawing at his neck; "they slept at the foot of his bed"
2012	Jefferson Cty, AR	45 YO female	killed by her two pit bulls in her home; "it was a gruesome scene – found dogs tearing into her body"
2012	Hertford, NC	10 MO male	killed by family dog under the care of his grandmother
2012	Burleson, TX	3 MO male	infant was sleeping on the couch when he was pulled off and killed by father's pet pit bull
2012	Oklahoma City, OK	61 YO female	mauled to death by her granddaughter's pet pit bull, "the woman died a very horrific death"
2012	Pembroke, NC	53 YO female	mauled to death by seven rescued pit bulls at her home; the dogs had torn off her clothes and mangled her body; pug also found dead in yard
2012	Detroit, MI	3 WO female	mauled to death by a family pit bull at a friend's home; the dog mauled the infant's face; owners said the animal was not vicious; owners carry a pole in their hand to get into their backyard
2012	Fresno Cty, CA	34 YO male	mauled to death by four pit bulls that had a history of running at large in the area and killing pets
2012	Shawnee Cty, KS	2 YO female	brutally attacked by a rescued pit bull at a friend's home

2011	San Jose, CA	32 YO female	32 year old (6 months pregnant) was fatally mauled in her home by her pit bull
2011	Surprise, AZ	73 YO female	violent attack by her neighbor's two pit bulls in her own yard; bit the woman all over her body and ate through most of her right foot; 13 surgeries and multiple infections
2011	Brimbank, VC	4 YO female	girl was mauled to death in her own home by an escaped neighbors pit bull
2010	Concord, CA	2 YO male	pit bulls fatally mauled 2 year old step grandson after he walked into the garage where the dogs were (door left unlocked)

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Five year old boy was attacked by a pit bulldog and lost almost all of his scalp and forehead.



This injury was initially repaired Using tissue expanders his entire
Ogrish.com - Aftermath Of Pitbull Attack







113 Wn.2d 213 (1989)
777 P.2d 1046

AMERICAN DOG OWNERS ASSOCIATION, ET AL, Appellants,
v.
THE CITY OF YAKIMA, Respondent.

No. 56122-2.

The Supreme Court of Washington, En Banc.

August 24, 1989.

214 *214 *Leggett & Kram*, by *Peter Kram*, for appellants .

Don W. Schussler (of *Halverson & Applegate*), for respondent.

DOLLIVER, J.

In January 1987, there were three attacks by pit bull dogs on unsuspecting citizens in **Yakima**. On July 28, 1987, the City of **Yakima** adopted ordinance 3034 which bans dogs known by the **owners** to be pit bulls, specifically the breeds Bull Terrier, **American** Pit Bull Terrier, Staffordshire Bull Terrier, and **American** Staffordshire Terrier, as well as dogs "identifiable" as having any pit bull variety as an element of their breeding. The ordinance allows **owners** of pit bulls licensed prior to the enactment to keep their pets subject to certain rules. The ordinance also allows a judge to release an apprehended **dog** on a showing that the **dog** will not return to the city or that the **dog** was misidentified.

Plaintiffs David Carvo and Mark and Bonnie Johnson own dogs that may come under the ordinance. Plaintiff **American Dog Owners** Association has members in **Yakima** owning dogs that may come under the ordinance. In August 1987, **Yakima** notified the Johnsons that they may be subject to the ordinance. All plaintiffs sued **Yakima**, seeking injunctive and declaratory relief as well as damages. A temporary restraining order was issued.

215 Both parties moved for summary judgment prior to trial. In support of their motion, the plaintiffs offered affidavits stating that an ordinary person would misidentify mixed breeds and that no scientific method can determine breed. Defendant City of **Yakima** offered affidavits showing the *215 identifiability and vicious propensity of pit bulls and outlining the procedures required of the City to prove an animal comes under the ordinance. The trial judge granted defendant's motion for summary judgment. Plaintiffs assign error. The matter was certified to the Supreme Court. We accept certification and affirm.

Plaintiffs argue first that **Yakima** City Ordinance 3034, codified in **Yakima** City Code 6.18.010 *et seq.*, is unconstitutionally vague, claiming that a person of ordinary intelligence cannot reasonably tell what is prohibited.

[1] In *Seattle v. Huff* 111 Wn.2d 923. 767 P.2d 572 (1989). we reaffirmed that "[a]n ordinance is presumed constitutional and the party challenging the constitutionality of the law has the burden of proving it is unconstitutionally vague beyond a reasonable doubt." *Huff*, at 928 (citing *State v. Maciolek* 101 Wn.2d 259. 263. 676 P.2d 996 (1984)). For the ordinance to be vague beyond a reasonable doubt, the plaintiff must show at least one of two procedural elements is missing: "adequate notice to citizens and adequate standards to prevent arbitrary enforcement." *Seattle v. Huff. supra* at 929.

Adequate notice requires the law to be sufficiently definite so that a person of ordinary intelligence can reasonably tell what is prohibited. However, "[i]mpossible standards of specificity are not required." Blondheim v. State 84 Wn.2d 874 878 529 P.2d 1096 (1975). Neither is absolute agreement.

"([i]f [persons] of ordinary intelligence can understand a penal statute, notwithstanding some possible areas of disagreement, it is not wanting in certainty." Seattle v. Eze [111 Wn.2d 22 27 759 P.2d 366 (1988)] (quoting State v. Maciolek, supra at 265).

Huff, at 929.

(2) We find **Yakima** City Ordinance 3034 gives sufficient notice. The four breeds outlined in the ordinance are understood to refer to dogs satisfying detailed professional standards. **Yakima** animal control officers presently use
216 *216 these standards along with illustrations to identify dogs. This standard is stricter than a lay person would have to apply. Moreover, the ordinance has provisions to protect those who already own pit bulls and those who happen to travel through town with a pit bull.

Other courts have held pit bull ordinances may give notice without painstaking definitions. State v. Peters 534 So.2d 760. 766 <Fla. Dist. Ct. App. 1988). where the ordinance was explicit, held that alternative definitions of pit bull did not violate notice requirements. State v. Robinson 44 Ohio App.3d 128. 541 N.E.2d 1092 (1989) where the ordinance was not explicit, determined that "[a]lthough the statute lacks a specific definition of pit bull **dog**, mathematical certainty is not always essential". Likewise an unpublished Ohio Court of Appeals case, Lima v. McFadden, cause 1-85-22, June 30, 1986, cited in State v. Peters, supra at 768, upheld an ordinance without a definition of pit bull because the phrase "pit bull" has a discernible meaning.

Although American Dog Owners Ass'n, Inc. v. Lvnn Mass. . 533 N.E.2d 642 (1989) found that statute "not sufficiently definite", Lvnn 533 N.E.2d at 646 the definition there was "devoid of any reference to a particular breed". Lvnn. 533 N.E.2d at 646. The **Yakima** ordinance here names four particular breeds. We decline to follow Lynn.

A statute must have adequate standards to prevent arbitrary enforcement. This forbids "criminal statutes that contain no standards and allow police officers, judge, and jury to subjectively decide what conduct the statute proscribes ... in any given case." State v. Worrell 111 Wn.2d 537. 544. 761 P.2d 56 (1988) (quoting Maciolek, at 267). But a statute is not necessarily unconstitutional because it requires subjective evaluations by an officer. State v. Worrell supra (quoting Maciolek, at 267). The real question is whether it "invites an inordinate amount of police discretion". Worrell, at 547 (Utter, J., concurring).

217 *217 (3) We find adequate standards for identification in the professional standards and illustrations used by the City and in the burden of proof which rests on the City to show that a particular **dog** meets the professional standard and that no reason exists to impede the **dog's** destruction. Furthermore, as outlined by the assistant city attorney in her affidavit, the City is required to prove that the **dog** at the time of pickup was over 6 months old, known by the owner to be either a purebred or mixed breed of the four listed breeds and identifiable as one of those breeds. See **Yakima** City Ordinance 3035, codified in **Yakima** City Code 6.20.11 OE.

(4, 5) The **Yakima** ordinance is constitutional even though some inoffensive pit bulls might be banned. Overbreadth is only a problem when it,.... reaches a substantial amount of constitutionally protected conduct." Huff, at 925 (quoting Houston v. Hill 482 U.S. 451 458 96 L.Ed.2d 398 107 S.Ct. 2502 (1987)). Dogs are subject to police power and may be destroyed or regulated to protect citizens. See Sentell v. New Orleans & C.R.R. 166 U.S. 698. 704. 41 L.Ed. 1169. 17 S.Ct. 693 (1897). Thus, "property in dogs is of an imperfect or qualified nature", Sentell, at 701, and "a harmless or inoffensive **American** Pit Bull Terrier may be banned in order to abate the threat ... presented by other **American** Pit Bull Terriers". Garcia v. Tijeras N.M. 767 P.2d 355. 363 (1988).

The **Yakima** ordinance is also constitutional although it will not stop all **dog** bites nor remove unidentifiable pit bull mixes. A municipality may "address threats in a piecemeal fashion," Garcia 767 P.2d at 361 as long as there is a

rational basis for the decision. The **Yakima** ordinance was enacted as a public safety measure after three unprovoked attacks by pit bulls.

Finally, the plaintiffs fail to show vagueness "beyond a reasonable doubt." *Huff*, at 928. In fact, the plaintiffs admit acquiring their pets believing them to be pit bulls, although they now aver they cannot identify the breed.

218 *21s II

The plaintiffs argue that the trial judge erred in granting summary judgment to the defendant and in denying summary judgment to the plaintiffs.

[6] For summary judgment, the "moving party bears the initial burden of showing the absence of an issue of material fact", *Young v. Kev Pharmaceuticals Inc.* 112 Wn.2d 216, 225, 770 P.2d 182 (1989), and reasonable inferences are evaluated "in the light most favorable to the nonmoving party". *Reichelt v. Johns-Manville Coro.* 42 Wn. App. 620 624, 712 P.2d 881 (1986) *aff'd in part, rev'd in part*, 107 Wn.2d 761, 733 P.2d 530 (1987). If a defendant successfully bears the initial burden, the inquiry shifts to the plaintiff "to establish the existence of an element essential to that party's case". *Young*, at 225.

Yakima met its initial burden by showing sufficient specificity to avoid vagueness and sufficient rationale for the use of police power. The burden shifted to the plaintiffs to establish a viable question of vagueness. However, as discussed above, the ordinance cannot be found vague. Likewise, the plaintiffs' motion for summary judgment fails the initial burden of proof because there was no competent question of vagueness.

We hold that **Yakima** City Ordinance 3034 is not unconstitutionally vague. We also hold that summary judgment was not given in error. The trial court is affirmed.

CALLOW, C.J., and UTTER, BRACHTENBACH, DORE, PEARSON, ANDERSEN, DURHAM, and SMITH, JJ., concur.

Reconsideration denied October 11, 1989.

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Chapter 6.20 ANIMAL CONTROL

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GENERAL REGULATIONS**6.20.10 Definitions.**

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning appears from the context:

- (1) "Adult dog" means any dog having a set of permanent canine teeth, or older than six months of age.
- (2) "Aggressive behavior" means any physical contact between a dog and a person, where said person feels threatened, that includes, but is not limited to, any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, not to include bites.
- (3) "Animal" means any dog, cat, exotic, wild or dangerous animal or livestock.
- (4) "At large" means, with regard to dogs, being physically present on public property and not under the actual control of a competent person, or being physically present on private premises without permission of the person in control of such premises. Exceptions: "At large" does not include:

- (A) Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs therefor; or
 - (8) The use of a dog under the supervision of a person either to hunt wild animals or game birds during the open seasons therefor, or to chase or tree predatory animals; or
 - (C) The use of a dog either to control or protect livestock or property or in other related agricultural activities under the supervision of the dog owner.
- (5) "Board" means the city of Yakima city council.
- (6) "County" means the unincorporated area of Yakima County, Washington.
- (7) "Dangerous dog" means any dog that, according to the records of an appropriate authority, including but not limited to the records of the county dog control department, the county sheriff's office, or the records of any other municipal, state or federal law enforcement or public safety department:
- (A) Without provocation has bitten or otherwise inflicted serious physical injury on a human being on public or private property;
 - (8) Has killed livestock or a domestic animal without provocation while off the dog owner's property; or
 - (C) Has displayed aggressive behavior, attacked, or endangered the safety of humans or domestic animals after such dog has been determined by an appropriate authority, including but not limited to any officer of the county dog control department, to be potentially dangerous, and the owner of such dog has been notified, either orally or in writing, that the dog has been determined to be potentially dangerous .
- (8) "Department" means the city of Yakima animal control department.
- (9) "Head of the household" means any person who owns, leases or otherwise controls any private premises.
- (10) "Kennel" means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire, or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner thereof, or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops, animal hospitals, or zoos.
- (11) "Litter" means two or more viable offspring.
- (12) "Livestock" means cattle, sheep, horses, llamas, buffalo, deer, elk, rabbits, mules, donkeys, goats, swine, fowl, poultry and any fur-bearing animal bred and maintained commercially or otherwise within pens, fences, cages or hutches.

- (13) "Microchip" means a device implanted for identification purposes and registered in the Humane Society of Central Washington database.
- (14) "Nuisance" means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures or endangers the comfort, repose, health or safety of other persons, or interferes with other persons' use of property.
- (15) "Animal owner" means any person or legal entity having a possessory property right in an animal or who provides food, water, shelter or a person who owns, harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for more than seventy-two hours.
- (16) "Permit" means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.
- (17) "Person" means any individual, natural person, association, firm, partnership, corporation or other legal entity.
- (18) "Physical injury" means impairment of physical condition or substantial pain which is directly caused by a dog's behavior, and includes scratches, scrapes, cuts, punctures or other evidence of physical injury, not to include bites.
- (19) "Potentially dangerous dog" means:
- (A) Any dog that without provocation:
 - (i) Bites or otherwise injures a human person or a domestic animal on either public or private property; or
 - (ii) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of aggression or attack; or
 - (B) Any dog which reasonably should be known by its owner to be disposed:
 - (i) To attack or chase or approach persons in a menacing fashion or apparent attitude of aggression or attack without provocation; or
 - (ii) To cause injury, or otherwise to threaten the safety of humans or domestic animals.
- (20) "Premises" means the area of land to which a person has legal or equitable rights of possession, use and control.
- (21) "Quarantine area" means any area defined by, but not limited to, a veterinarian, physician, public health official or animal control officer, where, for a specified period of time, a dog is to be kept separated from other animals or people.
- (22) "Secure enclosure" means secure confinement of a dangerous dog or a potentially dangerous dog on its owner's premises, either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal

from escaping. Such pen or structure shall have secure sides, a secure top and a secure bottom, and shall also provide protection from the elements for the dog.

(23) "Serious physical injury" means any physical injury which creates a substantial risk of death or causes permanent loss or protracted impairment of any bodily organ or function, or substantial disfigurement.

(24) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(25) "Tag" means a prenumbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

(26) "Tattoo" means a predesignated identification number inked into the inside of the ear, lip or flank of the dog.

(27) "Bitten" means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes a breaking of the skin, causing an exchange or transfer of saliva.

(28) "Capable person" means any individual having attributes (as physical or mental powers) required for competent performance and being at least eighteen years of age. (Ord. 2005-69 § 1 (part), 2005).

6.20.20 Enforcement-Animal control officers.

(1) Law enforcement agencies and animal control officers may enforce the provisions of Chapter 6.20 of the city of Yakima Municipal Code.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce other criminal laws of the state of Washington.

(3) Upon receiving a limited commission from the chief of police, animal control officers have the following enforcement powers when enforcing Chapter 6.20 of the city of Yakima Municipal Code:

(A) The power to issue citations based on probable cause to offenders for misdemeanor and gross misdemeanor violations of Chapter 6.20 of the city of Yakima Municipal Code;

(8) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate criminal violations of Chapter 6.20 of the city of Yakima Municipal Code, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated provisions of YMC 6.20.170, a law enforcement agency officer may arrest the alleged offender. (Ord. 2005-69 § 1 (part), 2005).

6.20.030 Violation-Penalty .

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction or subject to criminal prosecution, where a violation is specifically designated as a misdemeanor or gross misdemeanor, and therefore subject to criminal fines and penalties if convicted. Any violation of this chapter may result in the animal being impounded, and/or destroyed by order of the court. (Ord. 2005-69 § 1 (part), 2005).

6.20.040 Abatement of nuisances.

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, and if the same is not done by such offender within twenty-four hours thereafter, the same shall be abated and removed under the direction of the officer authorized by the order of the court. Such injunction may be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity, and the violator shall be liable for all costs and expenses of abating the same. (Ord. 2005-69 § 1 (part), 2005).

6.20.44 Slaughtering, dressing and butchering of animals and fowl.

No person shall slaughter, dress or butcher any fowl or animal so as to unreasonably expose such act or acts to the view of any person on public or private property. This section does not apply when the conditions of YMC 6.20.045 are met. (Ord. 2009-28 § 2, 2009; Ord. 2007-18 § 2, 2007; Ord. 2005-69 § 1 (part), 2005).

6.20.45 Animal husbandry as nonconforming use.

(1) When an animal husbandry operation is approved as a nonconforming use pursuant to Title 15 of the Yakima Municipal Code, the slaughter of animals may continue when the following conditions are met:

(A) The slaughter of the animal is performed by a licensed professional butcher; and

(8) If the slaughtering of the animal involves the discharge of a firearm, notice shall be provided to the Yakima police department at least two hours prior to the discharge of the firearm. The notice shall be made by phone to the Yakima police department nonemergency number and shall include the location of the discharge, the approximate time of the discharge, and the name of the professional butcher who will be discharging the firearm.

(2) This section is meant to be an exception to YMC 6.20.044, which prohibits the slaughtering of animals within public or private property view, and YMC 6.44.020, which prohibits the discharge of a firearm within the city of Yakima. (Ord. 2009-28 § 3, 2009).

6.20.050 Enforcement.

The department shall not be required to enforce provisions of this chapter except by a written or verbal complaint of a person who has satisfactorily identified himself to the department and has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have

an owner. Enforcement thereafter is a matter within the discretion of the department. (Ord. 2005-69 § 1 (part), 2005).

6.20.060 Severability.

Should any section or provision of the ordinance codified in this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 2005-69 § 1 (part), 2005).

REGISTRATION AND DOG LICENSING

6.20.070 Dog registration and license-Required.

All adult dogs within the incorporated area of the city of Yakima shall be registered with and licensed by the department or its designee at all times; provided, however, that a license issued by other governments located in Yakima County shall be valid under the provisions of this chapter until the last day of December for the current year; and provided, further, that dogs kept under a kennel license pursuant to this chapter shall be exempt from the provisions of this section; provided, further, that dogs kept at the Humane Society under RCW Chapter 16.52 shall be exempt from licensing. All dogs kept at any Humane Society are required to be licensed upon being sold or adopted. (Ord. 2005-69 § 1 (part), 2005).

6.20.80 Dog registration and license-Application.

The person registering and licensing a dog shall submit to the department or its designee the following information:

- (1) The name, date of birth, physical and mailing addresses and telephone number of the owner of the dog being registered;
- (2) The name, date of birth, physical and mailing addresses and telephone number of the person having custody of the dog, if such person is one other than the owner;
- (3) The name, age, breed, color and sex of the dog being registered, and whether or not such dog has been neutered or spayed;
- (4) Distinguishing features, markings, tattoos or microchip number of the dog being registered;
- (5) The address of the premises where the dog is ordinarily kept or maintained;
- (6) A certificate of a veterinarian indicating the last date on which the dog received an initial or booster vaccination against the disease of rabies, along with the expiration date of such vaccination. Should the dog be unable to be immunized against rabies for medical reasons, the signed statement of a veterinarian shall be accepted as proof in lieu of the rabies vaccination certificate. If the owner is unable to produce a certification by veterinarian as to the rabies vaccination, the owner's certification under oath that the dog has had a rabies vaccination may be accepted. (Ord. 2005-69 § 1 (part), 2005).

6.20.090 Vaccination required for dog registration and license.

As a prerequisite to licensing, any dog four months of age or older shall be currently vaccinated against the disease of rabies. (Ord. 2005-69 § 1 (part), 2005).

6.20.100 Dog registration and license-Fees.

The fee for initial or renewed registration and licensing of any dog shall be:

(1) For dogs which have been spayed or neutered, fifteen dollars for a license valid for one year and twelve dollars for a renewal thereof for a like period.

Proof of a dog having been either spayed or neutered shall be by certificate from a veterinarian or, if such is unavailable, a statement from the owner under oath, certifying that the dog for which a license application is made is either a spayed female or a neutered male.

(2) For dogs which have not been spayed or neutered, thirty dollars for a license valid for one year and twenty-five dollars for renewal thereof for a like period.

(3) The registration and license fee amount shall be deposited into the dog control fund.

(4) No license fee shall be charged to an owner who is legally blind and uses such dog as a guide dog, or to a deaf person who uses such dog as a hearing-ear dog, or to an owner who has been determined to be disabled pursuant to 42 U.S.C. Section 1382 (supplemental security income) and uses such dog as a support dog. The license shall be valid for the life of the dog.

(5) No license fee shall be charged to city police and fire agencies for canine support animals.

(6) Dogs that are spayed or neutered and owned by persons over the age of sixty-two years may be registered and licensed for twenty-five dollars. Dogs that are not spayed or neutered and owned by persons over the age of sixty-two years may be registered and licensed for thirty dollars. The license shall be valid for the life of the dog or until transfer of ownership of the animal.

(7) The fee for replacement tags shall be five dollars.

(8) The board may provide for optional registration of dogs by other suitable parties, in which case an agent fee of three dollars shall be added to the licensing fee. (Ord. 2009-61 § 1, 2009: Ord. 2007-58 § 1, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.110 Dog registration and license-Applications and renewals.

Applications for registration and license issuance shall be made within a timely manner as listed in the conditions set forth below:

(1) Applications for registration renewal shall be made between the first day of January and the last day of March;

- (2) In the case of a newly acquired dog, the application shall be made within thirty days of either the date of acquisition or the date when the dog reaches six months of age, whichever comes later;
- (3) In the case of a new resident to the city with a licensed or an unlicensed adult dog, the application shall be made within thirty days of establishing residency;
- (4) In the case of a dog licensed by another jurisdiction within Yakima County, the license shall be valid until the last day of December of the year they established residency in the county.

Upon application, certification or submission of proof of immunization and payment of fees by the owner or persons having the custody and control of any adult dog, the department or its designated agent shall issue to the applicant a numbered license identification tag for each dog so registered. The applicant shall ensure that the tag is securely fastened to a substantial collar or harness to be worn at all times by the dog. The absence of the license tag on a dog's collar shall be prima facie evidence that said dog has not been legally licensed. (Ord. 2005-69 § 1 (part), 2005).

6.20.120 Incomplete applications.

In the event any registration and license applicant fails to provide all required information or fees, the department shall notify such applicant by first-class mail at the mailing address stated on the application or notify applicant by phone of any such deficiency, requesting that any required information or fees be provided to the department within thirty days, and stating that if the required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired and any tag previously supplied shall be voided.

Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment. (Ord. 2005-69 § 1 (part), 2005).

HUMAN RESPONSIBILITY FOR DOGS

6.20.130 Control of dogs.

It is unlawful for any person to permit any dog to engage in any of the following behavior:

- (1) Level 1 Behavior. Level 1 behavior occurs whenever a dog is at large.
- (2) Level 2 Behavior. Level 2 behavior occurs when a dog:

- (A) While at large, menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person, domestic animal or livestock; or
 - (B) Has been convicted of Level 1 behavior on more than one occasion.
- (3) Level 3 Behavior. Level 3 behavior occurs when a dog:
- (A) While at large, causes physical injury to any person, domestic animal or livestock; or
 - (B) After being convicted of Level 2 behavior, is then subsequently convicted of a violation of YMC 6.20.140(1)(A).
- (4) Level 4 Behavior. Level 4 behavior occurs when a dog, although not at large, bites or causes physical injury to any person.
- (5) Level 5 Behavior. Level 5 behavior occurs when a dog:
- (A) While at large, bites or causes severe injury to any person, or kills any domestic animal or livestock; or
 - (B) After being convicted of Level 3 behavior, is then subsequently convicted of a violation of YMC 6.20.140(1)(8).
- (6) Level 6 Behavior. Level 6 behavior occurs when a dog:
- (A) Whether or not confined, causes the serious physical injury or death of any person; or
 - (B) Is used as a weapon in the commission of a crime; or
 - (C) After being convicted of Level 5 behavior, is then subsequently convicted of a violation of YMC 6.20.140(1)(C). (Ord. 2005-69 § 1 (part), 2005).

6.20.140 Control of potentially dangerous dogs.

- (1) It is unlawful for any person to fail to comply with the following provisions applicable to dogs which have engaged in behaviors described in YMC 6.20.130, which may result in the dog being impounded and held until the animal owner has met the appropriate stipulations:
- (A) Dogs which have exhibited Level 2 behavior shall be restrained in a manner that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as not to interfere with the public's legal access to the dog owner's property. Whenever that dog is off the dog owner's property it must be on a chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warning signs and obtain and maintain proof of public liability insurance.
 - (B) Dogs which have exhibited Level 3 behavior shall be physically restrained by a chain leash, confined within a secure enclosure or inside the home of the owner that prevents the dog from reaching any public sidewalk, or adjoining property. Such dogs must be located so as not to interfere with the public's legal access to the owner's property. Whenever that dog is not physically restrained or confined or is off the dog owner's property, it must be on a

chain leash under the actual control of a capable person. In addition, the department may require the animal owner to put up warning signs and obtain and maintain proof of public liability insurance.

(C) Dogs which have exhibited Level 4 or Level 5 behavior shall be confined within a secure enclosure whenever the dog is not inside the home of the owner. The secure enclosure must be located so as not to interfere with the public's legal access to the dog owner's property, and the dog owner shall conspicuously post warning signs, which must be approved by the department, on the property where the dog is kept. In addition, the department may require the dog owner to obtain and maintain proof of public liability insurance. The dog owner shall not permit the dog to be outside of the secure enclosure unless the dog is muzzled, on a chain leash and under the actual control of a capable person.

(D) Dogs which have exhibited Level 6 behavior shall be euthanized.

(2) The department shall require that all potentially dangerous dogs be microchipped.

(3) Any dangerous dog shall be immediately confiscated by the animal control officer or any law enforcement officer if the dog is not validly registered under subsection B of this section if the owner does not secure and maintain the liability insurance coverage or bond required under subsection B of this section or the dog is not maintained in the proper enclosure, or the dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. (Ord. 2005-69 § 1 (part), 2005).

6.20.150 Dog in estrus at large prohibited.

It is unlawful for any person to permit a female dog in estrus, also known as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. (Ord. 2005-69 § 1 (part), 2005).

6.20.160 Restraint within quarantine area.

Any dog or other animal that inflicts a bite upon a human or domestic animal, or which an animal control officer has probable cause to believe is carrying or infected by a disease which threatens the health of human beings or other animals, may be quarantined by an animal control officer. At the discretion of the animal control officer, the dog or other animal may be quarantined either at the animal owner's residence or at the city animal shelter. The quarantine shall be for a minimum of ten days and may be extended by the animal control officer for a reasonable period necessary to ensure the dog or other animal is free of infectious disease. Notwithstanding any other provision of this code, a dog or other animal that is determined by a veterinarian licensed under RCW Chapter 18.92 to carry a disease that threatens the health of human beings or other animals may be immediately destroyed where such action is necessary to protect the health of human beings or other animals.

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. (Ord. 2005-69 § 1 (part), 2005).

6.20.170 Abuse of animals prohibited.

- (1) A person is guilty of animal cruelty if, under circumstances not amounting to a violation of RCW 16.52.205, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon any animal.
- (2) An owner of an animal is guilty of animal cruelty if, under circumstances not amounting to a violation of RCW 16.52.205, the owner knowingly, recklessly, or with criminal negligence:
 - (A) Fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
 - (B) Abandons the animal.
- (3) Animal cruelty is a misdemeanor.
- (4) In any prosecution of animal cruelty, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.
- (5) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.
- (6) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.
- (7) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.
- (8) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) petitioning the Yakima municipal court for the animal's immediate return subject to court-

imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to renew a bond or security for the agency's continuing costs for the animal's care.

(9) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the Yakima municipal court for the animal's return. The petition shall be filed with the court, with copies served to the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must deliver the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

(10) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(11) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action. (Ord. 2005-69 § 1 (part), 2005).

6.20.180 Abandonment of animals prohibited.

It is unlawful for any person to leave any animal unattended for more than twenty-four hours without adequate care, including without limitation water, food, shelter, sanitation, ventilation, rest and medical attention. (Ord. 2005-69 § 1 (part), 2005).

6.20.190 Confinement in motor vehicle prohibited.

It is unlawful for any person to leave any animal confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including without limitation conditions involving dangerous temperature, lack of food, water or attention. (Ord. 2005-69 § 1 (part), 2005).

6.20.200 Pet animals - Taking, concealing, injuring, killing, etc.-Penalty .

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor and shall be punished as prescribed under YMC 6.02.050(8) and by a mandatory fine of not less than five hundred dollars per pet animal except as provided by subsection (1)(D) of this section:

- (A) Takes, leads away, confines, secrets or converts any pet animal, except in cases in which the value of the pet animal exceeds two hundred fifty dollars;
- (B) Conceals the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark;
- (C) Willfully or recklessly kills or injures any pet animal, unless excused by law;

(D) Nothing in this subsection shall prohibit a person from also being convicted of separate offenses under RCW 9A.56.030, 9A.56.040, 9A.56.050, or equivalent local ordinance for theft or under RCW 9A.56.150, 9A.56.160, 9A.56.170, or equivalent local ordinance for possession of stolen property.

(2) The sale, receipt, or transfer of each individual pet animal in violation of this section constitutes a separate offense.

(3) The provisions of this section shall not apply to the lawful acts of any employees, agent, or director of any Humane Society, animal control agency, or animal shelter operated by or on behalf of any government agency operating under law. (Ord. 2005-69 § 1 (part), 2005).

6.20.210 Removal of dog waste from public areas.

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises (Ord. 2005-69 § 1 (part), 2005).

6.20.220 Keeping in nauseous manner.

It is unlawful for any person to keep, harbor or maintain any animal or fowl, or any pen, kennel, yard, enclosure or building in which animals or fowl are kept, in the city of Yakima in such a manner as to be nauseous, foul or offensive, and any such animal or fowl or condition or manner of maintenance is declared to be a nuisance. (Ord. 2005-69 § 1 (part), 2005).

6.20.230 Injury to property.

It is unlawful for any person owning or having the control of any dog to permit the same to trespass upon private or public property so as to damage or destroy any property or thing of value, and any such dog is declared to be a nuisance and may be seized and impounded as provided in this chapter. (Ord. 2005-69 § 1 (part), 2005).

6.20.240 Rabies inoculation required-Exception.

No person may keep any adult dog unless that dog has been inoculated against rabies, unless the dog has, for medical reasons stated in writing by a licensed veterinarian, been specifically exempted from rabies inoculation. (Ord. 2005-69 § 1 (part), 2005).

6.20.250 Jumping and barking at pedestrians.

It is unlawful for any person to keep or harbor any dog or animal that frequently or habitually snarls and growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city of Yakima, and the same is declared to be a nuisance, and any such dog or other animal may be seized or impounded as provided in this chapter. (Ord. 2005-69 § 1 (part), 2005).

6.20.260 Leashes required.

(1) It is unlawful for the owner or custodian of any dog to cause, permit or allow such dog to roam, run, stray or to be away from the premises of such owner or custodian and to be on any public place, or on any public property, or the private property of another in the city of Yakima, unless such dog, while away from such premises, is controlled by a leash or chain not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person; and any dog roaming, running, straying or being away from such premises and not on a leash as herein provided may be impounded subject to redemption in the manner provided by ordinance.

(2) It is unlawful for the owner or custodian of a potentially dangerous dog, as defined in this chapter, to cause, permit or allow such dog to be off the premises of such custodian or owner unless such dog is under the direct control of an adult person by means of a leash or chain not more than eight feet in length and a muzzle.

(3) Penalties. Anyone violating or failing to comply with the provisions of this section shall be punishable by civil penalties as set forth in YMC 6.20.440. (Ord. 2005-69 § 1 (part), 2005).

6.20.270 Dogs at large prohibited.

(1) No person, dog owner or custodian shall permit any dog to be at large.

(2) The owner or rightful occupant of any premises is presumed to own any dog kept at the premises. (Ord. 2005-69 § 1 (part), 2005).

6.20.280 Barking dogs prohibited.

(1) It is unlawful for any person in control of premises to keep, harbor or maintain thereon any dog or dogs which individually or together habitually bark, growl, yelp, howl or whine so loudly and for such a duration of time as to unreasonably disturb the peace, quiet, comfort and repose of others within the city of Yakima. Any such dog or dogs shall be declared a nuisance and may be seized and impounded if such disturbance reoccurs after the person in control of the premises has received two prior warnings within a period of six months from any law enforcement or animal control officer of the city.

(2) It shall be an affirmative defense to subsection (1) of this section that the howling, yelping, barking or other noise complained of was by a guard dog or watch dog which was responding to intruders, trespassers or other persons entering onto or near the premises of the dog owner. (Ord. 2005-69 § 1 (part), 2005).

6.20.290 Dog bites to be reported.

Any person who is bitten by a dog, or who otherwise is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog or has otherwise been exposed to dog saliva through an open wound within the city of Yakima shall notify the department of such bite or exposure, giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person. (Ord. 2005-69 § 1 (part), 2005).

IMPOUNDMENT OF DOGS

6.20.300 Impoundment of dogs.

Dogs found or reasonably believed to be kept in violation of this chapter or Chapter 6.18 may be impounded by the department. If impounded, a dog shall not be redeemed until it has been microchipped at the owner's expense; provided, that if a complaint identifying the dog owner of a dog at large, a barking dog or an unlicensed dog is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner. (Ord. 2007-11 § 3, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.305 Interference with impounding.

It is unlawful for any person in control of premises to refuse to surrender to any law enforcement or animal control officer of the city of Yakima any dog or dogs sought to be confiscated or impounded under the provisions of this chapter or Chapter 6.18 of the city of Yakima Municipal Code. The maximum penalty for a violation of this section shall be ninety days in jail or one thousand dollars fine or both. (Ord. 2007-11 § 4, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.310 Notice of impoundment.

Upon impoundment of any dog or other animal or the confiscation of a dangerous dog, the impounding authority shall immediately notify the owner in writing. Such written notice shall be served upon the owner or, if the owner is not present, then upon any person of suitable age and discretion residing at the owner's residence. Contained within such written notice shall be a description of the dog or other animal, any license number, the reason for impoundment or confiscation, and the terms upon which such dog or other animal may be redeemed. If the owner of such dog or other animal is unknown, then such written notice shall be posted as soon as possible after confiscation or impoundment at the Humane Society of Central Washington. (Ord. 2005-69 § 1 (part), 2005).

6.20.320 Redemption of impounded animals.

(1) The owner or owner's agent of any dog or other animal impounded pursuant to this chapter or Chapter 6.18 of this title may redeem the impounded dog or animal within forty-eight hours, exclusive of Sundays and holidays, after notice of the impoundment is given pursuant to YMC 6.20.310. Such redemption shall be effected as provided by subsection (2) of this section.

(2) (A) Except for animals contemplated by subsection (2)(8) of this section, redemption for each dog may be accomplished by payment to the impounding authority of the amount of twenty-five dollars for the first impoundment of the same dog during any twelve-month period; and the redemption fee shall increase by increments of twenty dollars for each subsequent impoundment of that same dog during that twelve-month period. In addition to the redemption fee provided by this subsection, a person redeeming an unlicensed dog shall also pay for and obtain a current city of Yakima dog license before the dog is redeemed. In addition to the redemption fee, an additional charge of ten dollars per day shall be imposed for the period of time that the impounded dog is kept in the pound after impoundment, together with the cost for mandatory microchipping, prior to redemption.

(B) In the case of smaller animals other than dogs not requiring special equipment for transporting the same to the pound, the impounding fee shall be twenty-five dollars, and a charge of not less than ten dollars per day may be imposed by the impounding authority for the care and feeding of such animals. In the case of larger animals requiring special equipment for transporting the same to the pound (any equipment larger than a pickup or panel delivery truck), the basic impounding fee shall be twenty-five dollars; and in the event such an impoundment occurs at any time other than between nine a.m. to five p.m. on weekdays, or between ten a.m. and four p.m. on a Saturday, or if the impoundment occurs on a legal holiday, the impoundment fee shall be forty-five dollars. An additional charge of ten dollars per day shall be made for the care and feeding of such animals.

(C) Any payment required by this subsection for the redemption of an impounded dog or other animal may be made with any commercially reasonable tender, including but not limited to cash, money orders or major credit or debit cards, on sufficient identification being made.

(D) The impound fee shall be waived the first time a dog licensed with the city of Yakima is impounded; provided, that the dog license is current and valid.

(3) In the event an owner of an impounded dog or other animal desires to contest the validity of the impoundment, the impounded dog or other animal nevertheless may be redeemed by the execution and delivery to the impoundment authority of a promissory note payable to the city of Yakima in the amount of fifty dollars plus the appropriate impoundment fee, and the simultaneous filing with the impoundment authority of a request for animal impoundment hearing on a form to be provided by the impoundment authority and which shall read substantially as follows:

IN THE MUNICIPAL COURT FOR THE CITY OF YAKIMA

CITY OF YAKIMA,

Plaintiff, J NO _____

v. I

] REQUEST FOR

] ANIMAL

] IMPOUNDMENT

] HEARING

(name of owner)]

Defendant.]

I, _____ (full name), as owner or owner's agent of a _____ (dog or animal description/license number) hereby request a hearing to contest its impoundment of _____ (date) at _____ (place).

Grounds for contesting the validity of the impoundment:

I understand that if I fail to appear at the time set for hearing, in accordance with a notice to be given to me by the court, judgment will be entered against me for the amount of my promissory note payable to the City of Yakima, given in connection with this request for hearing, together with additional court costs.

Dated _____

(signature of owner or agent)

Address — — — — —

Telephone number — — — — —

The impounding authority shall cause all timely requests for animal impoundment hearing to be filed with the city of Yakima municipal court.

(4) If an impounded dog or other animal is not redeemed by its owner within the forty-eight-hour period following the notice of impoundment, then any person may redeem the dog or other animal by complying with the provisions of subsection (2)(A) of this section; provided, however, that within the discretion of the impounding authority, any such impounded dog or other animal may be humanely destroyed or otherwise disposed of; provided, further, that in the case of any horse, mule, cattle, hog or other stock animals that may be impounded when running at large within the city of Yakima, the impounding authority shall follow the procedure established by the laws of the state of Washington in Title 16 of the Revised Code of Washington relative to the care and sale of strays.

(5) Redemption of Dangerous Dogs. Any dangerous dog, as defined in this chapter and which is confiscated pursuant to YMC 6.20.300, shall be humanely destroyed within forty-eight hours after its notice of confiscation is served or posted pursuant to YMC 6.20.310, unless its owner or his agent requests a hearing as provided in this subsection and the dog is ordered released by the court. In the event of a hearing at which the city prevails, the dog shall be humanely destroyed. The person requesting the hearing shall be liable to the city for the sum of twenty-five dollars' confiscation fee and ten dollars for each day such dog is confined by the city. Requests for such hearing shall be filed with the Yakima municipal court by the dog owner or his agent with a copy served upon the department of economics or its designee and shall be made on a form which shall read substantially as follows :

IN THE MUNICIPAL COURT FOR THE CITY OF YAKIMA

IN RE THE)

CONFISCATION OF) NO. _____

A DOG NAMED) Request for

) Dangerous Dog

_____) Confiscation Hearing

(owner's name)

I, _____ " as owner of a

(full name)

_____ request a hearing to

(dog's name and description)

contest its confiscation. The dog is currently being held at the city impoundment facility. I understand that if I fail to appear at the time set by the Court for hearing, the City shall humanely destroy the dog.

(Signature of owner or agent) **Address**-----

-

Telephone number _____

(6) The daily boarding fees set forth in this section as costs to the individual redeeming an impounded dog may be increased from time to time to reflect actual increased cost assessments by the Humane Society for boarding city animal impounds.

(7) Redemption of Pit Bull Dog. In addition to the provisions provided in this section, an owner or owner's agent redeeming a pit bull dog must sign a promise to remove the dog from the city of Yakima and provide the address to which the animal will then reside. (Ord. 2009-61 § 2, 2009: Ord. 2007-58 § 2, 2007: Ord. 2007-42 § 1, 2007: Ord. 2007-11 § 5, 2007: Ord. 2005-69 § 1 (part), 2005).

6.20.330 Injured or diseased animals.

Any dog or other animal suffering from serious injury or disease may be humanely destroyed by the impounding authority. (Ord. 2005-69 § 1 (part), 2005).

REGISTRATION OF DANGEROUS DOGS

6.20.3 .Dangerou dogs:--Registration requirements:-Fee.

(1) In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for a person to keep any dog which has exhibited Level 3, 4, 5 or 6 behavior, as described in YMC 6.20.130, in the city without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work .

(2) The department shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the department sufficient evidence of:

- (A) A proper enclosure to confine the dangerous dog and the posting of the premises with clearly visible warning signs that there is a dangerous dog on the property . In addition, the owner shall conspicuously display warning symbols that inform children of the presence of a dangerous dog; and
 - (B) A surety bond issued by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the department in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous dog; or
 - (C) A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Chapter 48.28 in the amount of at least two hundred fifty thousand dollars, insuring the owner against liability to any person for injuries inflicted by the dangerous dog.
- (3) A fee of one hundred fifty dollars shall be paid to the department by any person seeking to register a dangerous dog. (Ord. 2005-69 § 1 (part), 2005).

KENNELS

6.20.350 Kennel license-Requirements.

It is unlawful for any person to own, maintain or operate a kennel unless such person has obtained the applicable license as provided hereinafter. If there is a change in the ownership of any kennel, the new owner shall have the license transferred to his name upon receipt of a new updated application and payment of a twenty-five-dollar transfer fee. (Ord. 2005-69 § 1 (part), 2005).

6.20.360 Kennel license-Application.

- (1) Information Required. Any person making application for a kennel license shall submit to the department the following information:
- (A) The name, address and phone number of the owner of the kennel;
 - (B) The name, address and phone number of the person having primary supervision of the kennel;
 - (C) The address or location and phone number of the kennel;
 - (D) The maximum number of adult dogs which the kennel will contain at any time;
 - (E) The name and address of the person designated by the applicant as agent for service of legal process or notice;
 - (F) A statement giving permission for the inspection of the kennel at any reasonable time;
 - (G) For all commercial and foster shelter kennels, a certificate of zoning compliance issued by the appropriate department of the city of Yakima.
- (2) Notice of Deficiencies. In the event any kennel license applicant fails to provide all required information or fees, the department shall notify such applicant by first-class mail at the mailing

address stated on the application of any such deficiency, demanding that any required information or fees be provided to the department within thirty days, and stating that if such required information or fees are not timely received, any fees paid shall be forfeited and the application shall be voided.

(3) Failure to Provide Information. If any applicant fails to timely provide information requested under this section, a new application and fee shall be required after the thirty days have expired, and any tag previously supplied shall be voided.

(4) Disposition of Fees Received. Any fees received by the department for applications that cannot be processed shall be deposited into a special revenue account within the dog control department fund and held in that fund for a period of not less than thirty days after notice of deficiencies in the application is mailed to the applicant or until the required information or fees are received. After thirty days have passed since the applicant was notified of any deficiency, such fees shall become miscellaneous revenues. Any overpayment of fees shall be refunded to the applicant if the request for overpayment refund is made within ninety days of such overpayment.

(5) Appeals. Any decision made concerning the type of kennel to be licensed and the fee required may be appealed to the appropriate licensing agency for the city of Yakima. Should the appeal be determined in favor of the applicant, the excess of the license fee shall be refunded from the date the appeal was filed, on a prorated monthly basis.

(6) Refunds. Any moneys from the initial application fees that cannot be processed shall be deposited into a special revenue account in the dog control department fund as a special revenue item at the end of the forfeiture period. Amounts not forfeited shall be deposited into the kennel license fees category when correct fees are received. All refunds are to be made from the kennel license fee revenue account upon completion of a completed and approved refund request form. (Ord. 2005-69 § 1 (part), 2005).

6.20.370 Kennel license-Fees and late penalties.

(1) The application for a kennel license shall be accompanied by a fee as follows :

(A) Commercial or foster shelter kennel: Two hundred fifty dollars per year upon submission, inspection and approval of the enforcement agency and officer.

(B) Hobby kennel: Fifty dollars per year upon submission, with a surcharge of ten dollars per unaltered dog, upon inspection and approval of the enforcement agency and officer.

(C) Late penalty: One-half the applicable amount.

(2) The late penalty shall be assessed if the license is not obtained by the thirty-first of January. (Ord. 2005-69 § 1 (part), 2005).

6.20.380 Kennel license-Inspection of facilities.

Upon initial application for a kennel license, the department or its designee shall inspect the subject facilities to determine if they may properly be licensed. (Ord. 2005-69 § 1 (part), 2005).

6.20.390 Kennel license-Display.

The license issued for a kennel shall be posted in a conspicuous place upon the premises where such kennel is located. (Ord. 2005-69 § 1 (part), 2005).

6.20.400 Kennel license-Expiration and renewal.

Kennels shall be licensed in January on a yearly basis ending December 31st. Fees for new applications shall be prorated and charged one-twelfth the fee for each month remaining in the calendar year. License renewals shall be processed in the same manner as the original application, except that a certificate of zoning compliance is not required. Each kennel may choose from the following options at the time of renewal:

- (1) License each dog individually; or
- (2) Pay the appropriate kennel fee. (Ord. 2005-69 § 1 (part), 2005).

6.20.410 Kennel license-Revocation, denial or refusal to renew.

A license for any kennel may be revoked, denied or not renewed for failure to comply with the provisions of this chapter, and such action by the department shall be final and conclusive unless within twenty days of written notification thereof an appeal is filed. (Ord. 2005-69 § 1 (part), 2005).

6.20.420 Kennel license-Records required.

Each kennel shall prepare, maintain and make available to the department a current record of all dogs auctioned off, sold, let or otherwise disposed of, proof of vaccination, and a current record of all dogs born within such facility or acquired from other sources. Such records shall include the origin, the age and type of dog, and the name and address of the transferee or transferor. A kennel shall have available for inspection at any time all required records, tags, tattoos or microchip numbers for each dog. (Ord. 2005-69 § 1 (part), 2005).

6.20.430 Vaccination required.

Each kennel shall cause each dog owned or sold by it to receive current and proper immunization for distemper, hepatitis, parainfluenza and parvovirus inoculation for dogs over eight weeks of age and, in addition, rabies inoculation for dogs over four months of age. (Ord. 2005-69 § 1 (part), 2005).

PENALTIES

6.20.440 Penalties.

CODE	CLASS	PENALTY	CHARGE
6.20.044	Inf.	\$250.00	Slaughter, dress, butcher animals/fowl
6.20.070	Inf.	\$250.00	Dog registration/license required
6.20.130(1)	Inf.	\$200.00	Permit dog at large

6.20.130(2)	Inf.	\$300.00	Permit dog at large-threatens, menaces
6.20.130(3)(A)	Misd.	Std.	Permit dog at large-physical inj. animal
6.20.130(3)(8)	Inf.	\$400.00	Permit dog at large-prior Level 2 convic.
6.20.130(4)	G. Misd.	Std.	Permit dog to bite/cause harm to person
6.20.130(5)	G. Misd.	Std.	Permit dog at large-bite person, kill animal
6.20.130(5)(8)	G. Misd.	Std.	Permit dog at large-prior Level 3 convic.
6.20.130(6)(A)	G. Misd.	Std.	Permit dog to cause serious injury/death
6.20.130(6)(8)	G. Misd.	Std.	Use dog as weapon to commit crime
6.20.130(6)(C)	G. Misd.	Std.	Dog with prior convic. Level 5
6.20.140(1)(A)	Inf.	\$200.00	Fail to control Level 2 dog
6.20.140(1)(8)	Misd.	Std.	Fail to control Level 3 dog
6.20.140(1)(C)	G. Misd.	Std.	Fail to control Level 4 or 5 dog
6.20.140(1)(D)	G. Misd.	Std.	Fail to euthanize Level 6 dog
6.20.150	Inf.	\$250.00	Permit dog in estrus at large
6.20.160	Misd.	Std.	Permit quarantined dog to leave
6.20.170	Misd.	Std.	Abuse of animals
6.20.180	Inf.	\$250.00	Abandonment of animal
6.20.190	Inf.	\$500.00	Confinement in automobile
6.20.200	G. Misd.	Std., >\$500.00	Taking, injuring, concealing pet
6.20.210	Inf.	\$100.00	Fail to remove dog waste
6.20.220	Inf.	\$250.00	Keep animal in nauseous manner
6.20.230	Inf.	\$250.00	Allow dog to damage property
6.20.240	Inf.	\$200.00	Fail to provide dog rabies vaccin.
6.20.250	Inf.	\$250.00	Allow dog to jump/bark at pedest.
6.20.260	Inf.	\$250.00	Leash violation
6.20.280	Inf.	\$250.00	Barking dog

6.20.305	Misd.	Std.	Interfere with impounding
6.20.340	Misd.	Std.	Dangerous dog (Lev. 3, 4, 5 or 6) w/o regis.
6.20.350	Inf.	\$500.00	Own/operate kennel w/o license

(Ord. 2005-69 § 1 (part), 2005).

The Yakima Municipal Code is current through Ordinance 2013-024, passed June 4, 2013.

Disclaimer: The City Clerk's Office has the official version of the Yakima Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[Click here to view recently enacted ordinances not yet codified](http://www.yakimawa.gov/council/archived-agenda-minutes/)
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(59 hits)

Chapter 6.18 PIT BULL DOGS

Sections :

- 6.18.010 Definitions .
- 6.18.020 Keeping of pit bull dogs prohibited .
- 6.18.25 Impounding pit bull dogs.
- 6.18.26 Impounding potentially dangerous pit bull dogs and pit bull dogs at large.

6.18.010 Definitions.

"Pit bull dog" means any pit bull terrier. "Pit bull terrier" means any American pit bull terrier, Staffordshire bull terrier, American bulldog or American Staffordshire terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier, Staffordshire bull terrier, American bulldog or American Staffordshire terrier so as to be identifiable as partially of the breed American pit bull terrier, Staffordshire bull terrier, American bulldog or American Staffordshire terrier. (Ord. 2004-32 § 1, 2004: Ord. 2001-32 § 1, 2001: Ord. 98-27 § 1, 1998: Ord. 3034 § 1 (part), 1987).

6.18.020 Keeping of pit bull dogs prohibited.

A. It is unlawful to keep, or harbor, own or in any way possess a pit bull dog within the city of Yakima. Violation of this section is a gross misdemeanor. The minimum fine for a violation of this section shall be two hundred fifty dollars for the first offense and five hundred dollars for a second or subsequent offense, which fine shall not be suspended or deferred. For purposes of this section, proof of a prior violation shall not require proof that the same pit bull dog is involved. Each day of violation shall be a separate offense.

B. This chapter shall not apply to pit bull dogs which: (1) do not reside in the city of Yakima, (2) are brought into the city for the purposes of participating in a dog show or canine sporting event for which the owner is able to show proof of entry, and (3) do not remain in the city of Yakima for a period exceeding ninety-six consecutive hours. (Ord. 2001-32 § 2, 2001: Ord. 3034 § 1 (part), 1987).

6.18.25 Impounding pit bull dogs.

A. Whenever a pit bull dog is found within the city of Yakima, the owner shall be notified in writing of the prohibitions contained in this chapter and of the procedure required to redeem the animal. Such notice shall be served upon the owner or, if the owner is not present, upon any person of suitable age and discretion residing at owner's residence. Whenever a pit bull dog is found within the city of Yakima, the animal may be impounded pursuant to Chapter 6.20.

B. If the pit bull dog is not immediately impounded pursuant to Chapter 6.20, the owner must permanently remove the pit bull dog from the city of Yakima within forty-eight hours of issuance of the notice required by this section. Failure to remove a pit bull dog within forty-eight hours of such notice shall result in the immediate impoundment of the animal. Whenever any pit bull dog is found within

the city of Yakima and the owner has previously had the notice required by this section, the dog shall immediately be taken up and impounded by such officer charged with the enforcement of this chapter. Pit bull dogs impounded under this subsection may be redeemed or adopted pursuant to the provisions of YMC 6.20.320. (Ord. 2007-11 § 1, 2007: Ord. 2004-32 § 2, 2004: Ord. 2001-32 § 3, 2001: Ord. 98-27 § 2, 1998).

6.18.26 Impounding potentially dangerous pit bull dogs and pit bull dogs at large.

Notwithstanding the provisions of YMC 6.18.020(8) or 6.18.025, any pit bull dog found running at large in the city of Yakima which is not in the possession or control of its owner or owner's agent shall be immediately impounded by a Yakima animal control officer or Yakima police officer. Any pit bull dog which is a dangerous dog or potentially dangerous dog as those terms are defined in Chapter 6.20 of this code shall be handled according to Chapter 6.20. Such animal shall be redeemed, adopted or destroyed pursuant to the provisions of Chapter 6.20 of the Yakima Municipal Code. (Ord. 2007-11§2, 2007: Ord. 2001-32 § 5, 2001: Ord. 98-27 § 3, 1998).

The Yakima Municipal Code is current through Ordinance 2013-024, passed June 4, 2013.

Disclaimer: The City Clerk's Office has the official version of the Yakima Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[Click here to view recently enacted ordinances not yet codified](http://www.yakimawa.gov/council/archived-agenda-minutes/)

(<http://www.yakimawa.gov/council/archived-agenda-minutes/>) .

City Website: <http://www.yakimawa.gov/> (<http://www.yakimawa.gov/>)

City Telephone : (509) 575-6037

**CITY OF YAKIMA
LEGAL
DEPARTMENT**

200 South Third Street Yakima Washington 98901-2830

phone: (509) 575-6030; fax (509) 575-6160

**PRIVILEGED AND CONFIDENTIAL: COVERED BY THE ATTORNEY-CLIENT AND
ATTORNEY WORK PRODUCT PRIVILEGES**

MEMORANDUM

July 12, 2001

TO: Honorable Mayor and Members of the City Council
FROM: Jeff B. West, Senior Assistant City Attorney
SUBJECT: Pit Bull Amendments

Attached please find the proposed changes to the pit bull ban. These changes reflect the input of both councilmembers and staff. The proffered changes include raising a violation from a misdemeanor to a gross misdemeanor. The effect of this amendment is to raise the maximum penalty from 90 days in jail and/or a \$1000 fine to up to 365 days in jail and/or a \$5,000 *fine*.

The amendments would also require, in the case of a person being convicted of violating the pit bull ban, a mandatory minimum fine of \$250 on a first offense and \$500 on a second offense would be imposed. Once all state assessments and costs are added to the base fine, this would result in the person convicted actually paying \$475 on a first offense and \$950 on a second or subsequent offense. This fine structure could be required even should the council decide to not increase the maximum penalties by raising the charge from a misdemeanor to a gross misdemeanor. This same fine structure is used for violations of the ban on drug paraphernalia and possession of less than 40 grams of marijuana.

The amendments would also allow animal control officers to temporarily detain a pit bull dog in order to have the animal microchipped. This change responds to the problem experienced by animal control officers that, unless they actually walk an individual through the microchipping process, they have found little compliance with the microchipping requirement. This, in turn, results in time and effort being spent to generate an additional warrant to check up on the animal to

Honorable Mayor and City Council Members
July 12, 2001
Page - 2

ensure compliance. A search warrant would still be required to enter private property to seize a pit bull dog.

Another proposed change allows persons to bring pit bull dogs to canine sporting events and dog shows. Such animals must still be leashed at all times and may only remain in the City for up to 96 hours. This change promotes the City as a site for dog shows and canine sporting events.

The definition of Pit Bull Dog is also amended to add the "American Bulldog" to the list of banned breeds. **This is not the English Bulldog.** Pit Bull owners have created a new breed name of "American Bulldog" in order to avoid pit bull bans such as the City's. This is a name change only and does not, in fact, ban additional animals.

ORDINANCE NO.2001- _32_____

AN ORDINANCE relating to public safety and morals; amending the definition of "pit bull dog," creating an exception for pit bull dogs at dog shows and canine sporting events; making possession of a pit bull dog a gross misdemeanor and imposing mandatory penalties therefor; amending sections 6.18.010, 6.18.020, 6.18.025 and 6.18.026 and repealing section 6.18.030; all of the City of Yakima Municipal Code.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 6.18.010 of the City of Yakima Municipal Code is hereby amended to read as follows:

"6.18.010 Definitions

"Pit bull dog" means any dog over the age of six months known by the owner to be a pit bull terrier. "Pit bull terrier" means any American pit bull terrier, Staffordshire bull terrier, American Bulldog or American Staffordshire terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier so as to be identifiable as partially of the breed American pit bull terrier, Staffordshire bull terrier, or American Staffordshire terrier."

Section 2. Section 6.18.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

"6.18.020 Keeping of Pit Bull Dogs Prohibited.

A. It is unlawful to keep, or harbor, own or in any way possess a pit.bull dog within the City of Yakima. Violation of this section is a gross misdemeanor. The minimum fine for a violation of this section shall be \$250 for a first offense and \$500 for a second or subsequent offense. which fine shall not be suspended or deferred. For purposes of this section, proof of a prior violation shall not require proof that the same pit bull dog is involved. Each day of violation shall be a separate offense.

8. This chapter shall not apply to pit bull dogs which: 1) do not reside in the City of Yakima, 2) are brought into the city for the purposes of participating in a dog show or canine sporting event for which the owner is able to show proof of entry, and 3) do not remain in the City of Yakima for a period exceeding 96 consecutive hours."

Section 3. Section 6.18.025 of the City of Yakima Municipal Code is hereby amended to read as follows:

6.18.25 Impounding Pit Bull Dogs.

A. Whenever a pit bull dog is found within the City of Yakima the owner shall be notified in writing of the prohibitions contained in this chapter and of the procedure required to redeem the animal. Such notice shall be served upon the owner or, if the owner is not present, then upon any person of suitable age and discretion residing at owner's residence. Whenever a pit bull dog is found within the City of Yakima, the animal may be temporarily detained by City of Yakima Animal Control for the purpose of transporting the animal and having a microchip implanted in the animal for future identification. Such detention shall not exceed 72 hours, provided that, if the owner is not available to receive the animal, the animal may be held for such longer period as may be necessary to ensure the safety of the animal and the public. The owner shall be responsible for the cost of microchip implantation and any kenneling fees.

B. The owner must permanently remove the pit bull dog from the City of Yakima within thirty days of ~~SI:100~~ the notice required by this section. Failure to microchip a pit bull dog within seventy hvo hours of notice or failure to remove a pit bull dog within thirty days of such notice shall result in the immediate impoundment of the animal. Whenever any pit bull dog is found within the City of Yakima and the owner has previously had the notice required by this section, the dog may immediately be taken up and impounded by such officer charged with the enforcement of this chapter. Pit bull dogs impounded under this subsection may be redeemed or adopted pursuant to the provisions of Section 6.20.110 of the Yakima Municipal Code.

Section 4. Section 6.18.030 of the City of Yakima Municipal Code is hereby repealed:

6.18.030 Keeping -of liGensed pit bull dogs.

The provisions of Seotion 6.18.020 shall not be applicable to any owners, keepers, or harborers, of pit bull dogs licensed by tho city of Yakima before tho effective date of the ordinance codified in this chapter. The phrase "licensed within the city of Yakima" and "licensed" when used in this chapter shall mean licensed pursuant to tho terms of Chapter 6.22 of this code.

The keeping of such licensed dogs shall be subject to tho following standards:

+. Sale or Transfer of Ownership Prohibited. No person shall sell, barter, or in any other 'Nay dispose of a pit bull dog licensed 'Nithin tho city to any person within tho city unless the recipient person resides permanently in the same household and on tho same premises as tho licensed owner of such dog; provided, that tho owner of a

licensed pit bull dog may sell or otherwise dispose of a licensed dog or the offspring of such dog to persons who do not reside within the city.

2:- Animals Born to Licensed Dogs. All offspring born to pit bull dogs licensed with the city shall be removed from the city within six weeks of the birth of such animal.

3:- Reporting Requirements. All owners, keepers, or harborers of licensed pit bull dogs shall within ten days of the following occurrence, report the following information in writing to the city clerk or animal control officer as required hereinafter:

The removal from the city or death of a licensed pit bull dog;

The birth of offspring of a licensed pit bull dog;

6:- The new address of the owner of a licensed pit bull dog should the owner move within the city limits.

4. Leash and Muzzle. No person shall permit a licensed pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a licensed pit bull dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. In addition, all licensed pit bull dogs on a leash outside the animal's kennel shall be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

Confinement. All licensed pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen, kennel or structure, except when leashed and muzzled as above provided. Such pen, kennel or structure shall have secure sides and a secure top attached to the sides as to prevent such animals from escaping. Any pen, kennel or structure used to confine licensed pit bull dogs shall be locked with a key or combination lock when occupied by such animals. Such pen, kennel or structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. Any pen, kennel or structure erected to house pit bull dogs shall comply with all zoning and building regulations of the city. Any pen, kennel or structure shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

&:- Confinement Indoors. No licensed pit bull dog shall be kept on a porch, patio, or in any part of a house or structure which would allow such dog to exit such building on its own volition. In addition, no such animal shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

7.- Signs and Special Collars. All owners, keepers, or harborers, of licensed pit bull dogs shall within ten days of the effective date of this chapter display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign shall be posted on the kennel or pen of such animal. All licensed pit bull dogs shall be identified by means of a blaze orange collar at least two inches wide.

8.- Identification Photographs and Tattoos. All owners, keepers, or harborers of licensed pit bull dogs shall provide within ten days of the effective date of this chapter to the city clerk or animal control officer two 2 by 5 inch color photographs of the licensed animal clearly showing the color and approximate size of the animal. The owner or keeper shall within the aforementioned ten day period at his own expense have the license number assigned pursuant to Chapter 6.22 of this code tattooed upon such a pit bull dog by a licensed veterinarian. The tattoo shall be placed either on the upper inner lip or inside upper left rear thigh of the dog.

Insurance. All owners, keepers, or harborers of licensed pit bull dogs shall within ten days of the effective date of the ordinance codified in this section present to the city clerk proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such pit bull dog during the following twelve month period. Such insurance shall be renewed annually so as to provide continuous coverage and shall be subject to approval by the city attorney as to form.

9.- Vaccination (immunization) Against Rabies. All owners, keepers, or harborers of licensed pit bull dogs shall within ten days of the effective date of this chapter show proof to the city clerk and the animal control officer that a licensed pit bull dog has been vaccinated against rabies within the last three years. Failure of any pit bull dog at any time to wear an up to date rabies vaccination tag issued by a licensed veterinarian who administered the vaccine shall be prima facie evidence of the dog's lack of vaccination against rabies and subjects such dog to immediate confiscation by the animal control officer. All pit bull dogs shall be vaccinated against rabies every three years.

S.- Failure to Comply. It shall be unlawful for the owner, keeper, or harborer of a pit bull dog licensed with the city of Yakima to fail to comply with the requirements and conditions set forth in this chapter. Each day of violation shall be a separate offense.

Any pit bull dog found to be the subject of a violation of this chapter shall be subject to immediate confiscation by the animal control officer. Such animal shall be humanely destroyed pursuant to Section 6.20.110 E of this code unless a Judge of a court of competent jurisdiction orders its release or the owner provides adequate proof to the animal control officer that such licensed dog shall no longer reside in the city of Yakima.

Section 5. section 6.18.026 of the City of Yakima Municipal Code is hereby amended to read as follows:

"6.18.026 Impounding Potentially Dangerous Pit Bull Dogs and Pit Bull Dogs at Large.

Notwithstanding the provisions of Sections 6.18.020(8) or 6.18.025, any pit bull dog running at large in the City of Yakima which is not in the possession or control of its owner or owner's agent, or which is a dangerous dog or potentially dangerous dog as those terms are defined in Chapter 6.20 of this code, shall be immediately impounded by a Yakima animal control officer or Yakima police officer. Such animal shall be redeemed, adopted or destroyed pursuant to the provisions of Section 6.20.110 of the Yakima Municipal Code."

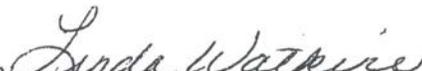
Section 6. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 7th day of
July, 2001



Mary Place, Mayor

ATTEST:

By 
Acting City Clerk



Publication Date: 7-20-2001

Effective Date: 8-19-2001

BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT

Item No.

For Meeting of 1-t? 2001

ITEM TITLE: An ordinance relating to public safety and morals; amending the definition of "pit bull dog," creating an exception for pit bull dogs at dog shows and canine sporting events; making possession of a pit bull dog a gross misdemeanor and imposing mandatory penalties therefor; amending sections 6.18.010, 6.18.020, 6.18.025 and 6.18.026 and repealing section 6.18.030; all of the City of Yakima Municipal Code.

SUBMITTED BY: Jeff 8. West, Senior Assistant City Attorney

CONTACT PERSON/TELEPHONE: Jeff B. West, 575-6033

SUMMARY EXPLANATION:

The proposed legislation, at the request of Councilmember Buchanan, increases the penalty for possessing a pit bull dog from a misdemeanor with a maximum penalty of 90 days in jail and/or a fine of up to \$1000.00 to a gross misdemeanor with a maximum penalty of 365 days in jail and a \$5000 fine. The ordinance would also impose a minimum fine of \$250 for a first offense of possessing a pit bull dog in the City of Yakima and \$500 for each subsequent offense. These mandatory fines, including costs and assessments would be \$475 and \$950 respectively. At the request of staff and Mr. Buchanan, YMC 6.18.030, which allowed persons who owned pit bull dogs prior to the original passage of the pit bull ban in 1987 to license their animals, is repealed because there are no licensed animals remaining alive at this time. This has been verified through City records.
(cont. on pp 2)

Resolution _____ Ordinance X Other (Specify)-----
Contract _____ Mail to (name and address): _____
1 _____ Phone: _____
Funding Source
APPROVED FOR SUBMIT ---C i M a n a g e r

STAFF RECOMMENDATION: Council Policy Issue

BOARD/COMMISSION RECOMMENDATION:

COUNCIL ACTION: See page 2 of Agenda Statement for the disposition -

c:

.; Agenda Statement
Pit Bull Dogs

(page 2).

At the request of Councilmember Barnett, the ordinance also creates an exemption for pit bull dogs brought into the city for the purpose of a dog show or canine sporting event. At the request of staff, the ordinance would be amended to include the "American Bulldog" as a banned breed. This breed is not the English Bulldog. The term "American Bulldog" is just another pseudonym for the pit bull and has been developed in order to thwart ordinances such as the City's. Staff further requests that the ordinance be amended to allow animal control officers to temporarily seize pit bull dogs in order to ensure that the dog is microchipped. These ordinance changes are not anticipated to have any fiscal impact.

AMENDMENTS MADE TO THE EXISTING PIT BULL REGULATIONS INCLUDE:

- 1) Raise the maximum penalty from a misdemeanor to a gross misdemeanor
- 2) Create a minimum fine of \$250 for a first offense and \$500 for each subsequent offense.
- 3) Create an exception for dogs brought into the city for dog shows and canine sporting events,
- 4) Add the American Bull Dog as a banned breed.
- 5) Repeal the grandfather clause allowing dogs that were originally in the city as there are no original dogs remaining
- 6) Change the procedure for micro-chipping these dogs to assist the Animal Control officers.

Ordinance passed. ORDINANCE NO. 2001-32

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***GPSOLO* July/August 2009**

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Pit Bull Bans: The State of Breed-Specific Legislation

By Dana M. Campbell

When animal control officers in Kansas City, Kansas, seized Mike and Amy Johnson's dog Niko in 2007 for violating the city's ban against harboring pit bulls, it took eight months of legal wrangling and a DNA test on Niko before the city agreed with what the Johnsons and their paperwork had been saying all along—that Niko was a boxer mix. During that time Niko waited in an animal control kennel, separated from his family, losing weight and fur, and picking up a cough. It's hard not to draw comparisons between the Innocence Project, which has used DNA evidence to free from prison hundreds of wrongly convicted persons, and the case of Niko the dog. The case of the wrongly accused Niko and his eight-month imprisonment for being judged as something he was not provides a good illustration of many of the controversies currently surrounding the topic of "breed" bans, also known as "pit bull bans" or "breed-specific legislation" (SSL).

What Problems Prompted BSL?

Dealing with dangerous dogs is a problem that has perplexed communities for ages, leading some of them to resort to passing laws banning certain breeds perceived as especially prone to dangerous behavior, usually after a well-publicized attack on a human. In fact, a spokesman for the KCK Kennels where Niko was held said the ban is there to protect people, adding that a pit bull had attacked and killed an elderly woman about a year before Niko was seized. These efforts to purge certain breeds are perhaps the easiest ways to attempt to reduce the probability of an attack by simply reducing the mere presence of certain types of dogs in a community. Other communities place restrictions on the owners of certain breeds without completely banning the breeds.

The American Kennel Club (AKC), the nation's largest dog-breed registry, does not recognize a "pit bull" breed per se. The AKC-recognized breeds most commonly included within current SSL are Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers. Also frequently included are Rottweilers, Chow Chows, Mastiffs, and Presa Canaries. But the focus of public and government concern has not always been pit bulls; in the 1970s the concern was over German Shepherds, and in the 1980s, Doberman Pinschers.

Who Has Passed BSL?

Hundreds of municipalities of all sizes and geographic locations throughout the country have adopted SSL. (One of the most comprehensive, up-to-date lists of

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BSL jurisdictions can be found at www.understand-a-bull.com.) Still other towns are repealing existing bans, such as Edwardsville, Kansas, which removed its pit bull ban after the nearby Niko case ended.

In 2009 new statewide BSL bills were introduced in Hawaii, Montana, and Oregon, where there are two BSL bills pending. One would ban "pit bulls" from Oregon unless a person has obtained a permit within 90 days of the bill's passage; the other would require minimum liability insurance coverage of \$1 million for pit bull owners. Although other jurisdictions, as well as insurance companies, have also implemented provisions requiring minimum liability insurance coverage for owners of certain breeds, Oregon's bill may be the first to cross the million-dollar threshold if it passes. Because some dog owners will be unable to obtain such insurance owing to the cost or the nature of their dog, these requirements act as an indirect restriction on ownership of certain breeds.

Interestingly, 12 states have passed laws *prohibiting* the passage of BSL by local governments: Florida and Pennsylvania (although bills are currently pending to repeal this prohibition in both states), California, Colorado, Illinois, Maine, Minnesota, New Jersey, New York, Oklahoma, Texas, and Virginia. Like the other 11 states, California has ruled that no specific dog breed mix shall be declared potentially dangerous or vicious as a matter of breed, but it does allow BSL related to mandatory spay/neuter programs, meaning it requires dogs of certain breeds to be "fixed." The city of Denver has perhaps the most tortured history with BSL. Denver passed BSL in 1989, but the Colorado State Legislature outlawed BSL in 2004. Denver later reinstated BSL after the city challenged the state's BSL prohibition, and a judge ruled that Denver's BSL could be allowed to stand as a home rule exception.

Just two weeks before President George W. Bush left office, the U.S. Army issued a memo detailing pet policy changes for privatized housing on military installations; the memo bans American or English Staffordshire Bull Terriers, Rottweilers, Chow Chows, Doberman Pinschers, and wolf hybrids as well as a host of other pets and exotic animals including reptiles, rats, hedgehogs, ferrets, and farm animals. The policy, which went into effect immediately, grandfathered in existing pets and contains a clause allowing for certain exceptions but lists no criteria for the exceptions. Some military families have lamented online and in the media that the nature of military service requires frequent moves from base to base, making the grandfather clause nearly meaningless. The Obama administration has promised to look into the military's breed ban but has not yet rendered an opinion on whether it would be allowed to stand.

BSL in the Courts

Court cases challenging BSL have focused on constitutional concerns such as substantive due

process, equal protection, and vagueness. Most BSL will survive the minimum scrutiny analysis allowed by the due process clauses of the Constitution's Fifth and Fourteenth Amendments because there is no fundamental right at issue. This analysis requires that the law being challenged must be rationally related to a legitimate government goal or purpose. Because state and local jurisdictions enjoy broad police powers, including protecting the public's safety and welfare, courts have not had trouble finding that BSL is rationally related to the goal of protecting the public from allegedly dangerous breeds.

Challenges based on equal protection arguments are similarly difficult to sustain. Here courts are looking at whether there is a rational purpose for treating pit bull breeds differently from other dog breeds. Dog owners have attacked the rational purpose requirement by arguing either that BSL is over-inclusive, because it bans all dogs of a breed when only certain individuals within the breed have proven to be vicious, or under-inclusive, because many types of dogs have injured people and the BSL fails to include those other breeds. However, again under minimum scrutiny review, BSL will survive as long as the government can establish that the BSL is rationally related to its purpose, even if the law is found to be over-inclusive or under-inclusive.

Claims that BSL is unconstitutionally vague have brought dog owners mixed success. Procedural due process requires that laws provide the public with sufficient notice of the activity or conduct being regulated or banned. Here owners of pit bulls or other banned breeds argue that the breed ban laws do not adequately define just what is a "pit bull" (or other banned breed) for purposes of the ban. Another argument is that the laws are too vague to help the dog-owning public or the BSL enforcement agency-such as animal control or police-to be able to identify whether a dog falls under the BSL if the dog was adopted with an unknown origin or is a mixed breed. In the Niko case it took a DNA test to resolve this issue, after which the charges based on the BSL were dropped.

Enforcement Issues

Enforcement of BSL naturally leads to the question: Who determines whether a dog is one of the banned or regulated breeds, and what is the procedure for that determination? Surprisingly, in places such as North Salt Lake, Utah, the city manager has sole authority to make that call. In other places it is the mayor or animal control officers. No special training in breed identification is required. Some jurisdictions have passed their BSL legislation without any input from a veterinarian, presumably the type of expert most capable of identifying dog breeds. Attorney Ledy VanKavage has spent the last decade studying BSL and is considered one of the country's foremost experts on the subject. She is now general counsel for Best Friends Animal Society after working for years as the senior director of legislation and legal training for the American Society for

the Prevention of Cruelty to Animals (ASPCA). She calls BSL "breed discrimination laws" and asserts that with the advance of DNA analysis for dogs becoming more available, the days of mere "canine profiling" and arbitrary enforcement are numbered. VanKavage believes that because the government has the burden of proving that a dog is one of the breeds banned or regulated by BSL, cities will have to seriously weigh whether they should pony up the high cost of DNA tests or simply give up trying to enforce BSL.

Is BSL Effective?

Extensive studies of the effectiveness of BSL in reducing the number of persons harmed by dog attacks were done in Spain and Great Britain. Both studies concluded that their "dangerous animals acts," which included pit bull bans, had no effect at all on stopping dog attacks. The Spanish study further found that the breeds most responsible for bites-both before and after the breed bans-were those breeds not covered by it, primarily German Shepherds and mixed breeds.

One of the few known instances in which a breed ban's effectiveness was examined and reported on in the United States occurred in Prince George's County, Maryland, where a task force was formed in 2003 to look at the effectiveness of its pit bull ban. The task force concluded that the public's safety had not improved as a result of the ban, despite the fact that the county had spent more than \$250,000 per year to round up and destroy banned dogs. Finding that other, non-breed-specific laws already on the books covered vicious animal, nuisance, leash, and other public health and safety concerns, the task force recommended repealing the ban.

In a different study looking at dog bite data, the U.S. Centers for Disease Control and Prevention, the Humane Society of the United States, and the American Veterinary Medical Association together produced a report titled "Breeds of Dogs Involved in Fatal Human Attacks in the US between 1979 and 1998," which appeared in the September 15, 2000, issue of the *Journal of the American Veterinary Medical Association*. Among its findings, the study reported that during this 20-year period, more than 25 breeds of dogs were involved in 238 human fatalities. Pit bull-type dogs caused 66 of the fatalities, which averages out to just over three fatal attacks per year, and Rottweilers were cited as causing 39 of the fatalities. The rest were caused by other purebreds and mixed breeds. At the time the report was released, Dr. Gail C. Golab, one of the study's co-authors, was quoted as saying, "[s]ince 1975, dogs belonging to more than 30 breeds-including Dachshunds, Golden Retrievers, Labrador Retrievers, and a Yorkshire Terrier-have been responsible for fatal attacks on people."

The authors noted that the data in the report cannot be used to infer any breed-specific risk for dog bite fatalities, such as for pit bull-type dogs or Rottweilers,

because to obtain such risk information it would be necessary to know the total numbers of each breed currently residing in the United States, and that information is unavailable.

A 2008 report on media bias by the National Canine Research Council (available on their website at <http://nationalcanineresearchcouncil.com/dog-bites/dog-bites-and-the-media/audience-interest>) compared the type of media coverage given for dog attacks that occurred during a four-day period in August 2007 with intriguing results:

- On day one, a Labrador mix attacked an elderly man, sending him to the hospital. News stories of his attack appeared in one article in the local paper.
- On day two, a mixed-breed dog fatally injured a child. The local paper ran two stories.
- On day three, a mixed-breed dog attacked a child, sending him to the hospital. One article ran in the local paper.
- On day four, two pit bulls that broke off their chains attacked a woman trying to protect her small dog. She was hospitalized. Her dog was uninjured. This attack was reported in more than 230 articles in national and international newspapers and on the major cable news networks.

It is not a stretch to see how such news coverage could influence calls for breed bans from the frightened public and its legislators.

Options Beyond BSL

The National Canine Research Council has identified the most common factors found in fatal dog attacks occurring in 2006:

- 97 percent of the dogs involved were not spayed or neutered.
- 84 percent of the attacks involved owners who had abused or neglected their dogs, failed to contain their dogs, or failed to properly chain their dogs.
- 78 percent of the dogs were not kept as pets but as guard, breeding, or yard dogs.

Stephan Otto, director of legislative affairs for the Animal Legal Defense Fund, notes that "if a person keeps a dangerous dog to guard their drugs or property or for fighting

purposes, they'll just switch to a different breed and train that dog to be dangerous to get around a breed ban. The BSL accomplishes nothing in those cases."

VanKavage points to all of the above factors as reasons for communities to focus on "reckless owners" rather than singling out specific breeds to be regulated, and she recommends improving dangerous dog laws generally, addressing the above factors without singling out any breeds. She cites St. Paul, Minnesota, and Tacoma, Washington, as both having passed model laws in 2007 that target troublesome pet owners.

The ASPCA has proposed a list of solutions for inclusion in breed-neutral laws that hold reckless dog owners accountable for their aggressive animals:

- Enhanced enforcement of dog license laws, with adequate fees to augment animal control budgets and surcharges on ownership of unaltered dogs to help fund low-cost pet-sterilization programs. High-penalty fees should be imposed on those who fail to license a dog.
- Enhanced enforcement of leash/dog-at-large laws, with adequate penalties to supplement animal control funding and to ensure the law is taken seriously.
- Dangerous dog laws that are breed neutral and focus on the behavior of the individual dog, with mandated sterilization and microchipping of dogs deemed dangerous and options for mandating muzzling, confinement, adult supervision, training, owner education, and a hearings process with gradually increasing penalties, including euthanasia, in aggravated circumstances such as when a dog causes unjustified injury or simply cannot be controlled. ("Unjustified" typically is taken to mean the dog was not being harmed or provoked by anyone when the attack occurred.)
- Laws that hold dog owners financially accountable for failure to adhere to animal control laws, and also hold them civilly and criminally liable for unjustified injuries or damage caused by their dogs.
- Laws that prohibit chaining or tethering, coupled with enhanced enforcement of animal cruelty and

fighting laws. Studies have shown that chained dogs are an attractive nuisance to children and others who approach them.

- Laws that mandate the sterilization of shelter animals and make low-cost sterilization services widely available.

Recently, VanKavage revealed that Best Friends Animal Society has developed an economic analysis tool (view it at their website, www.bestfriends.org) that would help cities determine the potential fiscal impact of enforcing BSL versus having a good non-breed-specific dangerous dog law in place. Armed with this tool, cities can now consider cost as one additional factor to weigh before deciding to enact BSL.

National animal organizations such as the American Veterinary Medical Association, Humane Society of the United States, Animal Legal Defense Fund, Best Friends Animal Society, American Society for the Prevention of Cruelty to Animals, the American Kennel Club, and the National Animal Control Association all oppose BSL. Otto sums up their position this way: "If the goal is dog-bite prevention, then dogs should be treated as individuals under effective dangerous dog laws and not as part of a breed painted with certain traits that may not be applicable to each dog. By doing so, owners of well-trained, gentle dogs are not punished by a breed ban, while dangerous dogs of all breeds are regulated and may have their day in court to be proven dangerous."

As an example, consider the 2007 Michael Vick dogfighting case in Virginia, in which 50 of the former pro football player's fighting dogs were seized and about to be euthanized according to conventional wisdom that dogs trained to fight to the death are too dangerous to humans and other animals and cannot be retrained. However, in an unprecedented move, the court agreed with amicus briefs filed by animal welfare groups and appointed a special master, animal law professor Rebecca Huss, as a guardian for the dogs to oversee temperament evaluations to be done on each dog by a team of behaviorists. As a result, only one dog was destroyed owing to temperament; the other 49 were saved and shipped to rescue groups, where they were rehabilitated and are now enjoying media attention as service dogs and beloved companions. Time will tell whether this unexpected outcome successfully turns on its head the argument

that fighting dogs or certain breeds of dogs are inherently dangerous, untrainable, hopeless.

Conclusion

The number of places passing breed bans and prohibiting breed bans continues to fluctuate widely. Perhaps the most accurate way to sum up the state of BSL in the United States today is to say the laws are controversial, generating both howls of protest and vehement support wherever they have been considered.

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Date: November 4, 2013
To: Member of the Yakima City Council
From: Yakima Citizens Against BSL
Regarding: Yakima Municipal Code Chapter 6.16

Honorable Council Members:

As citizens of the City of Yakima, we ask you to repeal the breed specific dog ban codified in chapter 6.18 of the municipal code. This legislation has proven to be ineffective in fulfilling its goal of promoting public safety. In fact there is a wealth of empirical evidence that demonstrates that breed bans in general do not promote safety. Furthermore, by maintaining the ban, the City wastes valuable public resources and antagonizes responsible pet owners. Resources would be better spent by enforcing breed neutral dangerous dog ordinances already on the books, prosecuting animal abuse, and combating dog overpopulation. These three strategies promote animal welfare and human safety, while breed specific bans do not.

I. Yakima's Breed Specific Ban is Not Effective in Promoting Public Safety

Although inspired as an attempt to promote public safety,¹ Chapter 6.18 has not been effective in promoting public safety due to the fact that breed specific bans are not shown to be effective in preventing dog related injuries.² Foremost, breed is not a good indicator of an individual dog's propensity to attack or dangerousness. Secondly, the difficulty in uniformly identifying and categorizing dog breeds makes the ordinance subject to lax enforcement. Finally, other jurisdictions, where breed specific bans have been implemented, have demonstrated their ineffectiveness in promoting public safety. Thus, Chapter 6.18 does not live up to its promise of promoting public safety.

The breed of a dog is a poor indicator of its propensity to pose a danger. First, of the four breeds specifically targeted by YMC 6.18, the American Pit Bull Terrier, the American Staffordshire Terrier, the American Bull Dog, and the Staffordshire Terrier, a large number of each breed has undergone

Yakima City Ordinance 1987-3034

2 "Breed specific legislation does not address the fact that a dog of any breed can become dangerous when bred or trained to be aggressive. From a scientific point of view, we are unaware of any formal evaluation of the effectiveness of breed specific legislation in preventing fatal or nonfatal dog bites." Sacks, J. et al. "Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998." *Journal of the Veterinary Medical Association*, Vol. 217, #6, September 15, 2000.; See also Patronek, Gary et al. "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 Veterinary Medical Association*, Vol. 327, #7, October 1, 2010.

temperament testing by the American Temperament Test Society, which evaluates dogs for the same kind of behaviors that pose a risk to public safety.³ Unprovoked aggression is one of the behaviors that will result in a dog failing the temperament test. However, the breeds targeted by YMC 6.18 pass overwhelmingly with a combined passage rate of 86.14%. This not only surpasses the overall average pass rate of 83%, but in fact, banned breeds pass at a rate higher than Golden Retrievers, beagles, Yorkshire terriers, and Chihuahuas. Although temperament testing is designed to evaluate the performance of specific individual dogs, the fact that the vast majority of tested pit bull- type dogs pass clearly disproves the underlying assumption that pit bull-type dogs are inherently aggressive. An assumption that was essential to the passage of YMC 6.18, since the originating ordinance states that, "the breeds are unique among dogs in that they possess characteristics of aggression [...] not possessed by any other breed of dog,"⁴ This lack of correlation between breed and propensity for dangerousness has been further disproven by other empirical studies.⁵ In fact, the factors that have been the most predictive of dog attacks: socialization, abuse history, and reproductive status,⁶ are not addressed by 6.18. Thus, the current ordinance targets a non-predictor at the expense of programs that could address the real causes of public safety threats.

Even if breed was indicative of public safety threat, Yakima's attempt to ban pit bull-type dogs has proven ineffective in even reducing the number of such dogs in the city. This is due to the inherent difficulty in enforcing breed specific bans. First, the visual identification of breeds is difficult even to animal care professionals.⁷ For instance in a one survey, over six hundred individuals were presented with pictures of American Pit Bull Terriers (APBT) and other unrelated breeds. Of those surveyed, 100 were animal professional including included 9 veterinarians, 7 veterinarian technicians, and 15 animal

3 ATTS (2013) American Temperament Testing Society, from <http://www.atts.org>, retrieved 10/14/2013

4 Yakima City Ordinance 1987-3034

5 "Owners of pit bull-type dogs deal with strong breed stigma, however, controlled studies have not identified this breed group as disproportionately dangerous," American Veterinary Medical Association's Animal Welfare Division. "The Role of Breed in Dog Bite Risk and Prevention." 2012.; "[D]ogs classified as dangerous do not seem to be more aggressive than the rest." see Martinez, A.G., Pemas, G.S., Casalta, J.D., Rey, M.L.S., Palomino, L.F, dIC., "Risk factors associated with behavioral problems in dogs." *Journal of Veterinary Veterinary Behavior* (2011) 6, 225-231.

6 "An ongoing study of dog bite-related fatalities occurring over the past five decades has identified poor ownership/management practices, and not breed, involved in the overwhelming majority of these incidents." Karen Delise. National Canine Research Council.

7 Dowd, Scot. Matrix Canine Research Institute. "Survey of the ability of individuals to identify American Pit Bull Terriers."

control officers. Of those surveyed 30% identified an adult boxer as an APBT. Even more alarming, only 2% of those surveyed correctly identified the APBT, without also incorrectly identifying other breeds as an APBT.⁸ Thus, visual identification of a pit bull-type dog is not only ineffective at actually identifying banned breeds, but presents a very real risk of non-banned breeds being subjected to seizure. This problem is exacerbated when dogs have mixed breed parentage. Thus, not only is a dog's breed not indicative of its dangerousness, but enforcing a breed ban is hampered by the inexact science of visual breed identification. Thus, animal control officers are forced to either severely curtail their enforcement or risk enforcing the ban against non-violating dogs and owners. This subjects the city to high procedural costs and the risk of civil liability for over-zealous enforcement.⁹ In fact this provides one possible explanation for the high anecdotal incidence of pit bull-type dogs in Yakima city despite the ordinance being in effect for over 25 years.

There is an overwhelming trend of communities recognizing that breed specific bans are not effective in reducing dog related public safety incidents. First, the Washington State legislature has specifically rejected the idea that an individual dog's dangerousness can be determined by breed.¹⁰ Furthermore, an overwhelming majority of Washington jurisdictions reject breed bans. Of the thirty-nine counties and two hundred and thirteen incorporated municipalities in the state, only eighteen jurisdictions maintain breed biased legislation. Recently, Bothell, Federal Way, Friday Harbor, and Vancouver decided against adopting a breed specific ordinance when the issue arose. Furthermore, there is a statewide trend repealing breed specific legislation including such jurisdictions as Moses Lake, Oak Harbor, and Richland. This trend in Washington matches the national trend. In 2012, twenty-two jurisdictions either rejected or repealed breed bands, compared to only six jurisdictions enacting them. Thus, repealing 6.18 would bring Yakima into congruence with the overwhelming proportion of jurisdictions that have recognized that breed specific bans are not only ineffective but injurious to the public good.

Thus, although passed under the precept of promoting public safety, YMC 6.18 does not actually promote that goal. Dog breeds have been demonstrated as not a controlling factor in propensity

8 *Ibid*

9 Such as 42 USC 1983 claims for deprivation of property, see Kate Schott, "Dog Is Slain By Police Officer; Woman Wins Civil Rights Claim"; *Chic. Daily L. Bull.* 3 (Feb. 27, 2002).

10 RWC 1608.100 Paragraph 3, states that when identifying a dangerous dog "(t]he state may not meet its burden of proof that the owner should have known the dog was potentially dangerous solely by showing the dog to be a particular breed or breeds."

for dangerousness. Furthermore, breed specific legislation is inherently unenforceable. For these reasons there is an overwhelming trend among jurisdictions to repeal or reject breed specific bans.

II. The Breed Specific Bao Negatively Impacts Yakima

In addition to not achieving its stated purpose, YMC 6.18 has many negative impacts that are harmful to city governance, responsible dog owners, animal rescue groups, and the general quality of life in Yakima and the surrounding area.

First, enforcement of YMC 6.18 is a significant drain on public resources. According to an economic analysis conducted by the public policy research firm John Dunham & Associates, if the City of Yakima were to fully enforce the breed-specific ban the administrative costs, which take into account the enforcement, kenneling, euthanasia, disposal, and litigation, would amount to over \$145,000.¹¹ This is simply a burden on public resources that the city cannot afford. The annual cost of actually enforcing the breed ban surpasses the entire animal control budget for any of the past three years.¹² Furthermore, in 2011 Yakima eliminated one of its two animal control officer positions citing financial constraints.¹³ Thus, chapter 6.18, if fully enforced, would place a huge burden on the already constrained public resources available to provide animal control services. Alternatively, if the breed ban were not in place, the estimated 150o+ banned breed dogs residing in Yakima could be licensed, with those fees contributing up to \$22,000 to animal control revenue. Thus, the full enforcement of YMC 6.18 would present a substantial burden on the City of Yakima and its taxpayers while maintaining the ban deprives the city of revenue that could be used for more effective dog control policies.

However, the costs of YMC 6.18 are not confined to dollars and cents. The reckless over breath of the breed ban can prove devastating to responsible dog owners in the City and surrounding area. For instance, one otherwise law abiding citizen was subjected to extreme anxiety after her property was annexed into the city limits.¹⁴ For the remainder of her dog's natural life, the citizen was forced to live with the knowledge that at anytime a member of her family could be seized by the government and killed despite the fact that the dog was well trained, socialized and had never caused a safety concern.

11 Attached Exhibit A (Economic Impact Report).

12 See Attached Exhibit B (Excerpts from City of Yakima Adopted Budget, 2012 and 2013).

13 *Ibid.*

14 Attached Exhibit C. (Citizen Testimony)

This citizens experience is not isolated. According to recent studies an overwhelming majority of Americans consider their dogs to be either family or a companion as opposed to property.¹⁵ So the prospect of losing their family member or companion to an arbitrary governmental intervention can be devastating and undermine the documented physical and mental health benefits which a companion animal imparts on their owner.¹⁶ Thus, maintaining the ban is subjecting Yakima citizens to real and devastating emotional and physical harm.

Furthermore, YMC 6.18 is opposed by groups dedicated to working for animal welfare. Both national animal welfare organizations, such as the Humane Society of the United States, and local organizations, such as Yakima Valley Pet Rescue and K-9 & Kittyland Rescue, recognize that breed specific bans do nothing to promote their work.¹⁷ Instead, rescue and animal welfare organizations are burdened in their efforts to place animals in responsible stable homes. Further, animal welfare groups are undermined in their attempts to promote responsible pet ownership policies by the discrimination and false sense of security that breed bans propagate. This view is echoed by the American Veterinary Association and local veterinary professionals who have the extensive education and experience necessary to evaluate animal control policies in an unbiased and fact oriented manner.¹⁸ Thus, both on a national and local level, the people and organizations with the greatest expertise about the issues recognize that breed bans are not only ineffective but harmful to their work.

Finally, Yakima's breed ban irresponsibly burdens surrounding communities by causing an increase in dog dumping outside of the city. Due to YMC 6.18, some banned breed dog owners are faced with an impossible task of responsibly disposing of unwanted dogs. Due to the bans negative impact on likely adoption from a responsible dog rescue organization, some individuals perceive surrender of a banned breed to be a certain death sentence for the dog. Thus, there is anecdotal evidence that some individuals faced with the prospect of their dog being seized or needing to surrender it opt to abandon the dog in adjoining areas of Yakima county. However, evidence has proven that regardless of breed, feral and at-large dogs pose a greater public safety threat than socialized

15 Hwnan-Animal Bond Boosts Spending on Veterinary Care, JAVMA News, Jan. 1, 2008, http://www.avrna.org/onlnews/javma/jan08/080101_a.asp

16 Gregg A. Scoggins, D.V.M., Note, Legislation without Representation: How Veterinary Medicine Has Slipped Through the Cracks of Tort Reform, 1990 U. Ill. L. Rev. 953, 973 (1990)

17 Attached Exhibit D (Animal Welfare Statements)

18 Attached Exhibit E (Local Veterinarian Statements)

owned pit bull type dogs. Thus, the breed ban in Yakima is inadvertently promoting the feral dog problems in adjoining communities and thus working against the interest of public safety.

YMC 6.18 is having real substantial negative impacts on city coffers, responsible dog owners, animal rescue groups, and the interest of public safety in the Yakima Valley as a whole. Thus, there is ample reason, given the absence of a positive impact, to repeal the ban in the interest of responsible governance.

M Other Solutions are in Place and Available to Replace the Breed Specific Ban

By maintaining an ineffective breed ban with negative impacts on the community, the City of Yakima is missing out on opportunities to work with animal rescue groups and responsible banned breed dog owners towards promoting animal and human welfare. First, enforcement of YMC 6.16 comes at the expense of good animal policy already enacted into the city code. There is an overwhelming amount of support for the exact legislative framework outline under YMC 6.20 which has proven effective in addressing dangerous dog issues.¹⁹ Breed neutral enforcement of the existing dangerous dog ordinances will promote public safety by effectively identifying situations, dogs, and individual residents who are the most likely to pose safety risks and impose sanctions to alleviate that risk. Resources that could be expended pursuing animal abuse and neglect prosecutions are instead subject to being wasted on prosecuting responsible pit bull-type dog owners. Not only does animal abuse and neglect significantly increase the risk that the victim-animal will behave aggressively, animal abusers are also significantly more likely to commit violence against other humans.²⁰ Ironically, a responsible owner of a well socialized and trained pit bull-type dog is subject to prosecution under 6.18 of a gross misdemeanor, while an animal abuser under YMC 6.20 is only subject to misdemeanor prosecution. Thus, repealing YMC 6.18 would liberate resources for the city to pursue action against animal abuse and neglect which poses a larger risk to public safety than mere possession of a pit bull-type dog.

Furthermore, the repeal of YMC 6.18 would lead to responsible pit bull-type dog owners being able to license their dogs and consequently provide them with opportunities to become well-socialized

¹⁹ Organizational Position Statements Exhibit F.

²⁰ Randall Lockwood, Ph.D., *Animal Cruelty Prosecution: Opportunity for Early Response to Crime and Interpersonal Violence*. American Prosecutors Research Institute. July 2006. P. 11.

canine citizens. This would support the infrastructure already in place to assure responsible dog ownership, identify abuse and neglect, and hold individuals accountable for damage inflicted by dogs. Thus, by instituting breed neutral animal control policies, the city would include a large subset of dog owners in the collective undertaking of promoting dog safety and responsibility. A newly published study of animal control measures in reducing dog bites showed licensing to be one of the more important parts of a successful program.²¹ Instead, by maintaining YMC 6.18, the city antagonizes a large population of dog owners who could otherwise be partners in the enforcement of good dog policy.

Lastly, the enforcement of 6.18 comes at the expense of promoting responsible spay and neuter practices. Reproductive status of dogs has been shown to be a greater indicator of propensity to attack than breed.²² By repealing 6.18, the city could free up resources to work alongside animal rescue groups and responsible owners to curb pet overpopulation and propensity for aggression that result from unaltered animals.

Thus, by maintaining a policy of breed specific legislation, the City of Yakima is wasting resources and antagonizing parties that could instead be useful in promoting proven animal welfare and human safety. In conclusion, YMC 6.18 fails the basic test for good public policy because it harms the public interest while failing to produce any benefit. It is not promoting public safety because breed is a poor indicator of dangerousness, it is not possible to enforce effectively and justly, and breed specific bans have been demonstrated as ineffective in other jurisdictions. While not achieving its stated goals, YMC 6.18 also negatively impacts the city, its residents, animal welfare groups, and our surrounding community. The breed ban is expensive, an invasion of personal freedom, a burden on the promotion of animal welfare, and has caused an increase in dog dumping outside the city. Most significantly; the ban antagonizes groups and individuals who could be instrumental in the promotion of proven effective policies that actually promote public safety and quality of life for people and dogs. For these reasons we respectfully request the council repeal YMC 6.18.

21 Nancy M. Clarke & David Fraser, *Animal control measures and their relationship to the reported incidence of dog bites in urban Canadian municipalities*, 54 CAN VET J 145-149 (2013).

22 American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions. "A community approach to do bite prevention." JAVMA, Vol. 218:11, June 1, 2001.

Appendix

Index of Attached Exhibits

Exhibit A. Breed Specific Legislation Economic Impact Report Compiled by John Dunham & Associates.

Exhibit B. Excerpts from Yakima City Approved Budget, Years 2012 and 2013.

Exhibit C. Citizen Testimonial Regarding Negative Impact of Breed Specific Legislation.

Exhibit D. Local Animal Welfare Organization Testimony

Exhibit E. Local Veterinary Professional Testimony

Exhibit F. Compilation of Organizational Position Statements Against Breed Specific Legislation.



Best Friends
ANIMAL SOCIETY'

**The Government in Yakima Washington Should Not Waste Taxpayer Money
Taking Away Citizens' Companions**

Over the past few years, state and local governments have been impacted by a severe economic recession and have had to tighten their belts, cut important public safety programs and reduce staff. Yet the City of Yakima is now contemplating enacting a costly new law that bans, restricts and even kills certain pets based solely on their appearance.

Breed-discriminatory laws, such as the ones that ban, restrict and kill common short-haired muscular dogs,¹ can quickly become a serious burden on local governments and a waste of tax dollars. Furthermore, the enforcement of these laws drains needed resources from truly important and vital government services, such as fire protection, parks and road maintenance.

The City of Yakima's government has a responsibility to make decisions based on facts, not reactively and without considering the cost of its actions. If Yakima Washington were to enact a breed-discriminatory law, it can expect animal control services to need an additional \$83,500 for enforcement, \$26,300 for kenneling, \$14,700 for DNA testing, \$18,600 for legal services, and \$3,200 for the cost of killing the pets that they confiscate. These are significant budgetary costs, totaling \$146,400.

Estimated Costs of Breed-Discriminatory Laws in Yakima Washington

Location	Enforcement	Kenneling	DNA Testing	Legal Fees	Euthanasia	Total
Yakima Washington	\$83,519	\$26,300	\$14,747	\$18,616	\$3,194	\$146,376

Governments that codify canine profiling have the burden of proving the heritage of individual pets and providing constitutional due process protections before taking them away from their families. As a result, the costs for enforcement go well beyond the traditional role of animal control services that target the actual behavior of individual dogs, and into other more costly areas of local government, frequently involving expensive and lengthy litigation. During the court proceedings, the city is responsible for picking up the tab for housing the dog until the trial and appeal is concluded.

Enforcing a breed-discriminatory law will ultimately deplete the limited resources that the City of Yakima can allocate for animal control and require that the additional funds be taken from other departments or local programs and services.

Nearly all pet dogs, including those that some may frown upon, are loved and cared-for members of somebody's family. These dogs are pets, not killing machines who can't be trusted. The individuals pushing for draconian laws are not interested in facts but are merely trying to break up families, traumatize children, and spend untold amounts of taxpayer money simply to advance their own prejudices. A far more efficient use of local resources would be to enforce existing laws that penalize, prosecute and fine negligent owners who not only abuse man's best friend but who put their neighbors at risk.

¹Most often those commonly referred to as "pit bulls."

Exhibit B

Service Unit 223 - Animal Control			
Dog Licenses Issued	1,380	1,535	1,208
Business Licenses	5,535	5,438	6,195
Regulatory Licenses	402	545	584
Amusement Devices	9	15	12
Penalties on Business Licenses	526	504	465
Total	7,852	8,037	8,464

AUTHORIZED PERSONNEL

Class Code	Position Title	2010 Actual	2011 Amended Budget	20U Proposed Budget
1252	Code Administration Manager	0.00	0.00	1.00
4310	Plans Examiner I (Residential)(%)	1.00	1.00	0.00
4315	Plans Examiner II (Commercial)	2.00	2.00	2.00
4419	Code Compliance Officer	4.00	3.00	3.00
4420	Fire Code Inspector	1.00	1.00	0.00
4421	Code Inspector	4.00	<u>1.00</u> 4.00	<u>3.00</u> 1.00
6510	Animal Control Officer			
4441	Permit Technician	3.00	3.00	3.00
11251	Supervising Code Inspector	1.00	1.00	1.00
11602	Code Inspection Office Supervisor	1.00	1.00	1.00
Total Personnel		19.00	17.00	15.00

- (1) The Code Administration Manager position was filled in 2012.
- (2) The Plans Examiner I position will be eliminated in 2012.
- (3) One Code Compliance Officer position was eliminated in 2011 budget due to financial constraints.
- (4) The Fire Code Inspector position was eliminated from the 2012 budget due to financial constraints.
- (5) One Code Inspector was eliminated from the 2012 budget due to financial constraints.
- (6) An Animal Control Officer position was eliminated in 2011 due to the City's financial constraints.
- (7) The administration funds .26 FFE's in Environmental Planning (021) and has 4.20 FFE's funded by CED (123), Stormwater (441), Wastewater (473), Water (474), and/or Irrigation (475).

BUDGET SUMMARY

Dept 022 Code Administration	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	2010	2011 Amended Budget	2011 Actual	2011 Estimated	20U Projected Budget	% Chng From 2010	% Chng From 2010
Expenditure Summary By Service Unit	Actual	Budget	9/30/11	Year-End	Budget	2010 to 2011	2010 to 2011
103 Criminal Justice Sales Tax .3% Inc	\$68,710	\$76,268	\$55,375	\$69,962	\$78,605	103.1	112.4
145 Dangerous Bldg Repair and	20,719	15,000	21,348	22,000	15,000	100.0	68.2
149 Administration	1,004,951	938,389	655,444	922,148	843,836	89.9	91.5
223 Animal Control	194,495	140,462	85,860	125,635	125,000	89.0	99.5
626 Licensing	160,577	160,242	97,878	130,897	146,294	91.3	111.8
Total Expenditures	\$1,449,452	\$1,330,361	\$915,904	\$1,270,641	\$1,208,765	90.9	95.1

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	2010	2011	2011	2011	2012	% Cbng	% Cbng
Service Unit 149-Code Admin	Actual	Amended Budget	Actual 9/30/11	Estimated Yea!'-End	Projected Budget	From 2to5	From 4to5
Expenses							
100 Salaries and Wages							
110 Salaries and Wages	\$676,939	\$638,925	\$454,702.	\$628,252	\$544,091	\$85	86.6
120 Overtime	7,426	0	0	0	0	**	
130 Special Pay	86	86	28	86	65	75.0	75.0
140 Retirement /Tenn Cashout	2,330	0	0	0	8,159	**	
Total	686,782	619,012.	454,729	628,338	552,315	86.4	87.9
200 Personnel Bene.fits	211,497	196,232	143,(0)90	196,232	192,,605	98.2	98.2
300 Supplies							
310 Office and Operating Supplies	9,081	11,361	5,068	11,361	11,361	100.0	100.0
320 Fuel Consumed	11,915	11,700	8,910	11,932	12,870	110.0	107.9
340 Items Purchased for Resale	1,829	2,500	114	500	500	20.0	100.0
350 Small Tools and Equipment	7,756	10,000	2,501	10,000	7,500	75.0	75.0
Total	30,582	35,561	16,593	33,793	32,231	90.6	95.4
400 Other Services and Charges							
410 Professional Services	1,616	3,000	2,054	3,000	3,000	100.0	100.0
420 Communications	34,488	31,416	21,904	31,416	32,602	103.8	103.8
-130 Transportation /Training	544	2,800	175	1,000	1,000	35.7	100.0
.f80 Repairs and Maintenance	3,569	4,000	2,228	4,000	4,300	107.5	107.5
490 Miscellaneous	8,453	13,200	4,793	11,200	13,700	103.8	122.3
Total	48,670	54,416	31,154	50,616	54,602	100.3	107.9
750 Debt Service -Capital Lease	10,059	0	0	0	0	**	
830 Debt Service -External LTD -Int.	227	0	0	0	0	**	"
950 Interfund Opt Rental and Leases	17,135	13,169	9,878	13,169	12,<la	91.8	91.8
Total Expenditures -Service Unit 149	\$1,004,951	\$938,389	\$655,444	\$922,148	\$843,836	89.9	91.5
Revenues							
340 Charges for Goods and Services	\$14,359	\$15,830	\$5,520	\$10,830	\$60,830	384..3	561.7

Service Unit 223 -Animal Control

Account 120 Overtime -The animal control officer's overtime is caused by animal incident requests at the end of their assigned shift which is minimal.

Account 130 Special Pay -The areas that require special pay frequently are bilingual services, which will be not required in ZOU.

Account 310 Office and Operating Supplies -This account is used for supplies and equipment required for Animal Control Officers, such as cameras, professional organization membership, office supplies and animal kennels. This account line is also used for the animal licenses renewal processing.

Account 410 Professional Services -The professional services budget is devoted entirely to the contract with the Humane Society of Central Washington for the care, housing, euthanasia and disposal of City impounds.

See chart below for revenue details.

Animal Control Revenue	2010 Actual	2011 Amended Budget	2012 Proposed Budget
Dog Licenses Issued	\$29,518	\$32,000	\$24,000
Dog Impound Fines	2,005	1,500	2,000
Total	\$31,523	\$33,500	\$26,000

	(1) 2010 Actual	(2) 2011 Amended Budget	(3) 2011 Actual 9/30/11	(4) 2011 Estimated Year-End	(5) 2012 Proposed Budget	(6) % Chng From 2010	(7) % Chng From 2011
Service Unit 223 -Animal Control							
Expenses							
100 Salaries and Wages							
110 Salaries and Wages	\$41,589	\$7,048	\$2,748	\$2,748	\$0	0.0	0.0
120 Overtime	206	500	0	0	0	0.0	**
130 Special Pay	40	29	7	7	0	0.0	0.0
140 Retirement /Term Cashout	777	0	0	0	0	**	**
Total	42,612	7,577	2,755	2,755	0	0.0	0.0
200 Personnel Benefits							
200 Personnel Benefits	16,949	2,00	880	880	0	0.0	(0.1)
280 Oothing and Miscellaneous	330	450	0	0	0	0.0	•
Total	17,280	2,493	880	880	0	0.0	(0.1)
300 Supplies							
310 Office and Operating Supplies	3,28.5	2,500	38	0	0	0.0	**
320 Fuel Consumed	3,769	0	264	0	0	**	**
Total	7,055	2,500	301	0	0	0.0	**
400 Other Services and Charges							
410 Professional Services	118,757	122,000	81,798	122,000	125,000	102.5	102.5
420 Communications	1,118	4,718	0	0	0	0.0	•
430 Transportation /Training	0	400	0	0	0	0.0	**
480 Repairs and Maintenance	265	0	0	0	0	**	**
490 Miscellaneous	271	775	0	0	0	0.0	•
Total	120,412	127,893	81,798	122,000	125,000	97.7	102.5
900 Interfund Payment for Services							
950 Interfund Opt Rental and Leases	1,516	0	126	0	0	•	**
960 Interfund Insurance Services	5,621	0	0	0	0	**	**
Total	7,137	0	126	0	0	**	**
Total Expenditures -Service Unit 223	\$1214,495	\$140,462	\$85,860	\$125,635	\$125,000	89.0	99.5
Revenues							
320 Licenses and Permits	\$29,518	\$32,000	\$19,013	\$24,000	\$24,000	75.0	100.0
340 Charges for Goods and Services	2,005	1,500	1,900	2,000	2,000	133.3	100.0
350 Fines and Forfeits	29	200	0	0	0	0.0	**
Total Revenues -Seivce Unit 223	\$31,552	\$33,700	\$20,913	\$26,000	\$26,000	77.2	100.0

Service Unit 223 -Animal Control			
Dog Licenses Issued	1,535	1,233	1,138
Business Licenses	5,438	6,119	6,638
Regulatory Licenses	545	486	1,104
Amusement Devices	15	11	10
Penalties on Business Licenses	504	562	612
Total	8,037	8,411	9,002

AUTHORIZED PERSONNEL

Class Code	Position Title	2011 Actual	2012 Amended Budget	2013 Proposed Budget
1252	Code Administration Manager (U)	0.00	UJO	1.00
4310	Plans Examiner I (Residential) (2)	1.00	1.00	0.00
4315	Plans Examiner II (Commercial)	2.00	2.00	2.00
4419	Code Compliance Officer	3.00	3.00	3.00
4420	Fire Code Inspector (M)	1.00	0.00	0.00
4421	Code Inspector<*>	4.00	3.00	3.00
4430	Permit Project Coordinator (SJ)	0.00	0.00	1.00
4441	Permit Technician	3.00	3.00	3.00
6510	Animal Control Officer	1.00	1.00	1.00
11251	Supervising Code Inspector	1.00	1.00	1.00
11602	Code Inspection Office Supervisor	1.00	1.00	1.00
Total Personnel (cc)		17.00	16.00	16.00

- (1) The Code Administration Manager position was filled in 2012.
- (2) The Plans Examiner I position was eliminated in August 2012.
- (3) The Fire Code Inspector position was eliminated from the 2012 budget due to financial constraints.
- (4) One Code Inspector was eliminated from the 2012 budget due to financial constraints.
- (5) One Permit Project Coordinator position was created for the 2013 budget funded by 20% Water, 5% Irrigation, 50% Wastewater and 25% General Funds.
- (6) Code Administration funds .78 FTE's in Environmental Planning (021) and has 4.25 FTE's funded by Economic Development (123), Wastewater (473), Water (474), and/or Irrigation (475).

BUDGET SUMMARY

Dept 022 Code Administration	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	2011 Actual	2012 Amended Budget	2012 Actual	2012 Estimated Year-End	2013 Projected Budget	% Chng from 2to5	% Chng from 4toS
Exp Summary B Service Uni-							
103 Crim Justice SJs Tx .3% Inc	\$73,054	\$78,635	\$64,254	\$78,7	\$81,671	103.9%	103.7%
145 Dang Bldg Repair & Demo	35,728	15,000	18,100	25,000	30,(X)0	200.0%	120.0%
149 Administration	882,129	843,836	642,879	839,509	914,982	108.4%	109.0%
223 Animal Control	U7,431	125,000	94,714	125,000	129,000	103.2%	103.2%
626 licensing	137,097	146,294	111,067	142) f77	182,378	124.7%	127.6%
Total Expenditures	\$1,255,439	\$1,208,765	\$931,014	\$1,211,149	\$1,338,031	110.7%	110.5%

	(1)	(2)	(3)	(4)	(5)	(6)	(1)
	2011	2012	2012	2012	2013	% Chng	% Chng
SU -149 Administration	Actual	Amended Budget	Actual 10/31/12	Estbnated Year-End	Projected Budget	from 2 loS	from 4to5
Expenses							
100 Salaries And Wages							
110 Salaries And Wages	\$591,291	\$544,011	\$423,338	\$540,669	\$585,890	107.7%	108.4%
120 Overtime	0	0	1,764	705	0	n/a	01.3%
130 Special Pay	28	65	3	10	0	0.0%	0.0%
140 Retirement Cashout	0	8,159	9,618	9,618	0	0.0%	0.0%
Total	599,319	552,315	434,723	551,062	585,890	106.1%	106.3%
200 Personnel Benefits	193,739	192,605	149,067	193,392	228,782	118.8%	118.3%
300 Supplies							
310 Office & Oper Supplies	8,671	11,361	9,919	10,000	9,361	82.4%	93.6%
320 Fuel Consumed	11,558	12,870	7,713	12,810	17,870	138.9%	138.9%
340 Items Pchsd for Resale	114	500	0	500	500	100.0%	100.0%
350 Small Tools & Equip	9,927	7,500	2,946	7,500	5,500	73.3%	73.3%
Total	30,276	32,231	20,578	30,870	33,231	103.1%	107.6%
400 Other Services & Charges							
410 Professional Services	2,054	3,000	0	3,000	3,000	100.0%	100.0%
420 Communications	33,525	32,602	20,159	32,602	32,602	100.0%	100.0%
430 Transportation/Training	175	1,000	30	500	1,000	100.0%	200.0%
480 Repairs & Maintenance	3,049	4,300	3,118	4,300	4,300	100.0%	100.0%
490 Miscellaneous	6,825	13,700	5,136	11,700	13,700	100.0%	117.1%
Total	45,628	54,602	28,443	52,102	54,602	100.0%	104.8%
950 Interfund Opt Rent/Lease	13,169	12,083	10,069	12,081	12,478	103.3%	111.3%
Total Expenditures - SU 149	\$882,131	\$843,836	\$642,880	\$839,509	\$914,983	108.4%	109.0%
Revenues							
340 Chrgs f/Goods & Services	\$7,955	\$60,830	\$5,938	\$18,330	\$38,630	63.5%	210.7%

Service Unit 223 -Animal Control

Account 120 Overtime -The animal control officers overtime is caused by animal incident requests at the end of their assigned shift, which is minimal.

Account 130 Special Pay- The areas that require special pay frequently are bilingual services, which will be not required in 2013.

Account 310 Office & Operating Supplies -This account is used for supplies and equipment required for Animal Control Officers, such as cameras, professional organization membership, office supplies and animal kennels. This account line is also used for the animal licenses renewal processing.

Account 410 Professional Services -The professional services budget is devoted entirely to the contract with the Humane Society of Central Washington for the care, housing, euthanasia and disposal of City impounds.

See the following chart for revenue details.

Animal Control Revenue	2012		2013
	mu Amw	Amended Budget	Proposed Budget
Dog Licenses Issued	\$23,934	\$24,000	\$24,000
Dog Impound Fines	2,725	2,000	2,000
Total	\$26,659	\$26,000	\$26,000

	(U) 2011 Actual	(W) 2012 Amended Budget	(3) 2012 Actual 10/31/12	(4) 2012 F.stlmaled Year-End	(5) 2013 Projected B...pt	(6) %Chng from 2to5	(7) %Chng from 4to5
SU - 223 Animal Control							
Expenses							
100 Salaries And Wages							
110 Salaries And Wages	\$2,748	\$0	\$1)	\$0	\$0	n/a	n/a
130 Special Pay	7	0	0	0	0	n/a	n/a
Total	2,755	0	0	0	0	n/a	n/a
200 Personnel Benefits							
	880	0	0	0	0	n/a	n/a
300 Supplies							
310 Office & Oper Supplies	475	0	78	0	0	n/a	n/a
320 Fuel Consumed	264	0	0	0	0	n/a	n/a
Total	739	0	78	0	0	n/a	n/a
400 Other Services & Charges							
410 Professional Services	122,396	125,000	94,579	125,000	129,000	103.2%	103.2%
420 Communicat>ns	159	0	57	0	0	n/a	n/a
Total	122,555	125,000	94,636	125,000	129,000	103.2%	103.2%
9.50 Interfund Opt Rent/Lease	504	0	0	0	0	n/a	n/a
Total Expenditures - SU 223	\$127,433	\$125,000	\$94,714	\$125,000	\$129,000	103.2%	103.2%
Revenues							
320 Licenses And Permits	\$23,934	\$24,000	\$19,983	\$24,000	\$24,000	100.0%	100.0%
340 OU'gs f/Goods & Services	2,725	2,000	2,000	2,000	2,000	100.0%	100.0%
Total Revenues - SU 223	\$26,659	\$26,000	\$21,983	\$26,000	\$26,000	100.0%	100.0%

Service Unit 626 - Pennits and Licensing

This service unit is charged with administration of Title 5 of the Yakima Municipal Code, which includes the licenses in the following chart.

Dear Yakima City Council Members;

October 17, 2013

I'm writing to you today regarding our city's breed ban on pit bulls.

Yakima is where I grew up, and I consider it to be my home. I moved away for a few years, but moved back to help care for my elderly mother in 2002.

When I moved back to Yakima in 2002, I purposely purchased property located outside city limits so I could legally move here with my two dogs. I wrote to the City Council back in May of 2007 as my property had just been annexed into the city limits of Yakima at that time. I was **HORRIFIED** to say the least I remained anonymous at that time as I was living in fear that my two dogs, my two family members of many years, would be punished purely for the way they looked by an unfair law. They were innocent of any wrong doing, ever, and I was desperate to protect them. I asked if my dogs could be "grandfathered in" at that time, but was denied, even though right across the street is still county, and one mile up the road on our side of the road is still county. Even though we are FAR more responsible pet owners than many of our county neighbors, my family has been looking for affordable property outside city limits ever since.

What follows is a brief history about me and the dogs I've owned. Previous to twenty-five years ago, thanks to the media, I thought I was afraid of pit bulls, though at that time, I'd never even met one. Since then, I've met many.

I adopted a pit bull mix purely by accident twenty-five years ago. I was told she was a lab mix, which she was, but I wasn't told what she was mixed with until I had owned her just over two years. It turned out she was y.; Golden Lab, and % American Pit Bull Terrier. When I found out, I was in total shock. How could my wonderful girl be a pit bull? Suzi passed away just over ten years ago, but not a day goes by that I don't miss that sweet, loving and loyal companion. I am so thankful that God allowed her to live just long enough to see me through the horrible depression of my divorce, for without her, I may not be alive today to even write this letter.

Suzi was such an exceptional dog, that after researching the breed further with Pit Bull Rescue Central at <http://pbrc.net/index.html>, I decided eighteen years ago to adopt a purebred American Pit Bull Terrier. What a positive experience that decision was. Pebbles, who I still consider to be my soul mate on four legs, came to me as a tiny puppy who had to be bottle fed. I carried her around wrapped up in a baby blanket, because that's exactly what she was to me, MY baby. Pebbles never met a person or domestic animal that she didn't have to make her friend. One of her best friends was a cat. Cancer and old age took Pebbles from me just over a year after my property was annexed. I prayed every day that she would be allowed to "cross over" peacefully in my arms the way that she deserved, and not be taken away to die somewhere without me, scared and confused.

Cookie, a Staffordshire Bull Terrier, came to me fourteen years ago after I saw her sweet face over the Internet. Cookie was born completely deaf, and someone had discarded her along the freeway in Los Angeles, CA. I'd never owned a deaf animal, so I took Cookie to training to learn how to communicate with her, and communicate we DID. Cookie was so "in tune" with me, always looking to me for direction. Cookie was the sweetest, most gentle animal I've ever known. My autistic daughter used to crawl all over Cookie, and Cookie's reaction IF she woke up, was to give my daughter kisses. Several of my cats loved to snuggle up and sleep next to Cookie. Old age and kidney failure have recently taken Cookie from my family. Not a day goes by that we don't miss her horribly, especially my autistic daughter. Cookie was truly that little girl's best friend.

My dogs, regardless of breed, are never just dogs to me; they are members of my family. They are not tied out in the yard, to be thought of as inconvenient, or to be forgotten. They live IN my house, with me. They sleep on the floor by my bed, they cuddle at my feet in the evenings, and they are not even allowed outside without supervision. They are my "children". To be without them is unthinkable.

Breed bans do not work, they target all dogs of a breed or look -the innocent, including hero dogs as well as the guilty; they do not end the use of guard dogs by criminals; and can be very costly to cities who pass them. It is incredibly difficult to fairly enforce a breed ban, as identifying a pit bull properly is extremely difficult. There are 25+ breeds that are commonly mistaken as pit bulls and lawsuits could stem from misidentification of breeds in some breed ban areas which could cost those areas even more money. You can go to: http://www.understand-a-bull.com/Findthebull/findpitbuU_v3.html and test your knowledge, see for yourself if you can properly identify a pit bull. Back in 2007, after 19 years owner experience, I had some difficulty. There are 25 pW"ebred dogs shown, and only one is a pit bull, the American Pit Bull Terrier. It's no wonder that pit bulls get blamed for many incidences that they truly are NOT responsible for.

Bite statistics are inaccurate for many reasons, including that "pit bull,, is not a breed, but a term for three separate breeds. So when looking at bite reports, the number of pit bull bites should be divided by three immediately to be remotely fair. There are way too many breeds who look like a pit bull, but are not. And, who is identifying these dogs?

While I understand the concern for public safety, Breed Specific Legislation (BSL) in any fashion will NOT create a safer community. The issue isn't breed related but lies with irresponsible owners and/or parents. Do dogs have to be responsible for the actions of their owners? Punishing an entire group based off the actions of a few is simply wrong and it doesn't target the root of the problem. All dogs can be dangerous under certain circumstances. When the owner or custodian of the animal does not properly train and/or confine his/her animal, that animal may pose a potential risk to human safety. The key word here is responsibility. To say certain breeds of dogs are dangerous is not a complete statement. All dogs, regardless of breed, can be dangerous if in the hands of an irresponsible owner. It seems to me that we need to separate the behavior of humans from the behavior of the dogs that they abuse/neglect. BSL does nothing to educate or protect the citizens from dangerous dogs. Dogs of any breed can be dangerous. Laws need to be based on the deed, NOT the breed.

My brother has been in trouble with the law repeatedly, and is now in prison. I, however, put myself through business college, got a degree, am an honest taxpayer, and have contributed to my community. Should I be punished for the actions of my brother? Should I be put in prison just because I share the same blood? Surely the answer should be no. That is what BSL does to dogs. Dogs are individuals and should be treated as such, just as humans are individuals and should be treated as such.

BSL can be compared to gender profiling or racial profiling. Simply because a dog appears to be a dog on the restricted list it is treated as one. What if you were driving down the IOad and the police took you to jail, sentenced you, and placed you on death row just for looking like a certain ethnic group? BSL does exactly that to dogs. BSL supports irresponsible people by not placing harsh punishments on them, and instead punishes the innocent.

According to Mike Fry, host of Animal Wise Radio (www.animalwiseradio.com), and Executive Director of Animal Ark No Kill Animal Shelter; In St. Paul, Minnesota there were more than 1,300 dog bites per year in the 1970's. The popular breeds of dogs during that time were German Shepherds, Cocker Spaniels, and Labrador Retrievers. As the popularity of the pit bull has increased in that area over the last ten years, the number of dog bites has decreased to less than 200. This should be telling people how stable the pit bull is. (<http://www.youtube.com/watch?v=GtOJdhrsTCU>)

Organizations such as the American Veterinary Medical Association (AVMA), National Animal Control Association (NACA) the Humane Society of the United States (HSUS), ASPCA, CDC and The American Canine Foundation have clearly stated they are against any form of BSL as it's ineffective and doesn't target the real problem. There is no magic answer to reduce dog attacks within a community. The local officials need to investigate several areas and develop a plan that addresses our cities issues. Some ideas of things that should be looked at are:

1. NON-breed specific dangerous dog law that holds owners accountable for their animal's actions, and their lack of responsibility.
2. Animal Control needs to be given the funding and tools they need to be proactive instead of reactive to situations.
3. EDUCATION!! Children need to be taught canine safety. Parents need to be taught canine safety and NOT to leave children alone with ANY dog of ANY breed, EVER. Pet owners need to be taught how to be responsible.
4. Low or no cost spay and neuter programs for pets. The top three dogs likely to be involved in a fatal attack, in order, are: an unaltered male, an unaltered female, and a chained dog, ALL regardless of breed. (Fatal Dog Attacks, Karen Delise).

According to the Centers for Disease Control, intact (not neutered) male dogs represent over 70% of the dogs involved in biting incidents. It is essential for communities to acknowledge this statistic and provide subsidized spay/neuter services for local pet owners. Not only will sterilizing dogs make them significantly less likely to bite, but it will also make them happier, healthier, and less likely to roam.

All dogs bite and our laws need to be written to address all dogs not specific breeds. Sadly, these stories do not get the same press coverage as stories involving pit bull "type" dogs. Anything with pit bull in the story gets national coverage and that simply isn't true of other dog attacks. People need to realize that the media has an agenda- they'll go to horrible lengths to make people "shut up and listen." It's well documented that newspapers and news stations have misidentified dogs involved in attacks just to get more attention. They've "identified" Boxers, American Bulldogs, Presa Canarios, Cane Corsos, Dogo Argentinos, Australian Cattle Dogs, Weimeraners and even Labradors and Husky mixes as pit bulls in attack stories just to get more attention. For more information, you can go here for some examples:

<http://www.understand-a-bull.com/BSL/MistakenIdentity/Wrongld.htm>.

Personally I have had MANY problems with several of my neighbors' dogs. Problems have varied from barking constantly, running loose, and lunging, barking, growling and snapping at me in my own yard, or when I try to get mail from my mailbox. None of these dogs were pit bulls. My neighbors have NEVER had any problems with my dogs because I am an extremely responsible person and would never allow such behavior. Many of my neighbors were not aware that I even had dogs until I told them. Many have still never even seen my dogs because as I stated, my dogs are members of my family, kept in the house with me, and never allowed outside unsupervised. They are constantly under my control. I've even had several people who aren't even animal lovers in general tell me that my dogs are the best behaved dogs they've ever seen.

Some BSL Facts:

- Breed specific laws are not the way to protect our citizens and community. The irresponsible owners will continue on without adhering to the law. An owner intent on using his or her dogs for malicious purposes will simply switch to another type of dog and continue to jeopardize public safety. The list of restricted or banned breeds or types could grow every year without ever addressing responsible dog ownership. We need to address the individual deeds, not the breeds.
- Breed specific laws are unfair to responsible owners and do nothing to irresponsible owners who are actually creating the problems.
- Breed specific laws target even heroic dogs within those breeds.
- Breed specific laws increase costs for communities. Shelter costs for the community could rise, if they haven't already, as citizens abandon targeted breeds and adoptable dogs of the targeted breeds get

euthanized at the shelter. Possible court costs when citizens challenge the law, additional cost for caring for dogs, veterinary, food, etc. Additional payroll for enforcing the law and caring for the dogs.

- Some communities have had their breed specific laws overturned on constitutional grounds. Because proper identification of what dogs would be included is difficult or impossible, the law may be deemed unconstitutionally vague. It may also be found to involve the taking of property without due process.
- Strongly enforced animal control laws (such as leash laws), generic guidelines on dealing with dangerous dogs and increased public education efforts to promote responsible dog ownership are ALL better ways to protect communities from dangerous animals.
- Breed specific legislation is opposed by the American Kennel Club, the American Veterinary Medical Association, the National Animal Interest Alliance, National Animal Control Association, the ASPCA, and a host of national animal welfare organizations that have studied the issue and recognize that targeting breeds simply does not work.
- Soon BSL will encompass any dog that can bite (which is all of them) so where does that leave the dog lover? Will the next ban include YOUR choice of breed?

There are NO dogs that are inherently vicious. Some courts are ruling against BSL as it doesn't allow us "due process", and dogs have been proven NOT to be inherently dangerous.

Research shows that dog bite incidents are reduced by 90% when an owner takes their dog through a level 1 obedience program. Furthermore, it shows that with just one hour of training for young school aged children (grades 2 or 3) dog bites were reduced by 80%. Combine these two and you have a reduction in dog bites of 98%.

With the average number of people killed each year by cigarettes being 440,000, by automobiles 43,000, second hand smoke 35,000, or guns 30,000, and when we live in a society where 2,000+ children are killed every year at the abusive hands of their own parents, we need to ask ourselves if the "pit bull issue" is truly a safety issue or just hype! According to Karen Delise, "Fatal Dog Attacks", approximately 20 deaths per year in a dog population of 53 million yields an infinitesimal percent of the dog population (.0000004%) involved in a human fatality. Personally I think I'm much more likely to be struck dead by lightning than killed by a dog.

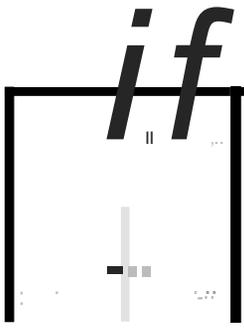
In a reply to my friend, Lynn Lynde, of Raeford, NC, in 2007, Mayor Edler said, "In the years since the ban, this issue has been brought before the City Council several times," and, "There has been no indication that the citizens of our community view the ordinance as a detriment to their quality of life." If it is indeed true that this issue has been brought before the council several times, I would take that to mean that citizens DO view the breed ban ordinance as a detriment to their quality of life. Otherwise, why would it continue to be brought before the council? Personally I consider the ban an extreme detriment to my quality of life, and I know I'm not alone in feeling this way.

Ignorance kills innocent lives. Please punish the deed, NOT the breed.

Respectfully,

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Yakima Valley Pet Rescue and Adoption Center
P.O. Box 944
Yakima WA 98907
509-248-3113

Dear Mayor and Yakima City Council,

I understand that there has been discussion of the dog breed specific legislation (BSL) in Yakima. Just as you do, I wish to ensure that Yakima is a safe community. However, BSL is not an effective method of creating a safe community; in fact BSL has never been proven to reduce dog bites in the history of the legislations existence. This misguided approach places blame on the breed (mixed breed) of dog, rather than the owner.

I urge you to repeal this costly and ineffective approach of regulating dogs on the basis of breed. Breed regulation promotes a false sense of security and animal cruelty, not community safety. It is good for neither people nor pets. None of the experts that have done neutral, accredited research on this issue advocate regulating dogs on the basis of breed. This includes the American Bar Association (ABA), American Veterinarian Medical Association (AVMA), and the Centers for Disease Control (CDC), The Humane Society of The United States (HSUS), the National Animal Control Association (NACA) and The National Association of Animal Control Professionals Nationwide.

I urge Yakima City Council to seriously take into account the overwhelming evidence on this issue and utilize the Dangerous Dog ordinance already being provided under City ordinance 6.20.

Breed Specific Legislation has the result of fiscal waste, regulatory confusion and political opposition without increasing the safety of residents in Yakima. Communities are best served by enacting breed- neutral dangerous dog laws that will hold all dog owners equally accountable for their actions.

Thank you for your time.

Respectfully,

[Signature]
[Illegible text]

Yakima BSL Team
Proposition to the City Council

Dear Mayor and Yakima City Council;

I understand that there has been discussion of the dog breed specific legislation (BSL) in Yakima. Just as you do, I wish to ensure that Yakima is a safe community. However BSL is not an effective method of creating a safe community; in fact BSL has never been proven to reduce dog bites in the history of the legislation's existence. This misguided approach places blame on the breed (mixed breed) of dog, rather than the owner.

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Thank you for your time.

Respectfully, *Brandi* *UoK:-⁰t K, la*
12

ExhibitE

October 22, 2013

Dear Honorable Mayor Cawley and Yakima City Council members,

I understand there has been recent discussion related to dog breed specific legislation (BSL) in Yakima. Like you, I wish to ensure that Yakima is a safe community. However, BSL has not been shown to reduce dog bites or improve public safety. Breed specific ordinances fail to address the most important issue - owner responsibility.

I urge you to repeal this costly and ineffective approach of regulating dogs on the basis of breed. Breed regulation promotes a false sense of security and contributes negatively to animal welfare issues, not community safety. No Jeacting animal control/animal welfare, human health, or legal organization advocates regulating dogs on the basis of breed. Those in opposition to BSL include the National Animal Control Association (NACA), American Veterinary Medical Association (AVMA), the Humane Society of The United States (HSUS), the American Society for the Prevention of Cruelty to Animals (ASPCA); the Centers for Disease Control (CDC), and the American Bar Association (ABA).

Breed Specific Legislation results in fiscal waste, regulatory confusion, and political opposition - without increasing the safety of residents in Yakima. Communities are best served by enacting breed- neutral dangerous dog laws that hold all dog owners equally accountable for their actions.

I urge Yakima City Council to seriously consider the overwhelming evidence on this issue and utilize the Dangerous Dog ordinance already being provided under city ordinance 6.20.

Respectfully,

David Hing DVM

October 22, 2013

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I understand there has been recent discussion related to dog breed specific legislation (BSL) in Yakima. Like you, I wish to ensure that Yakima is a safe community. However, BSL has not been shown to reduce dog bites or improve public safety. Breed specific ordinances fail to address the most important issue - owner responsibility.

I urge you to repeal this costly and ineffective approach of regulating dogs on the basis of breed. Breed regulation promotes a false sense of security and contributes negatively to animal welfare issues, not community safety. No leading animal control organization advocates regulating dogs on the basis of breed. Those in opposition to BSL include the National Animal Control Association (NACA), American Veterinary Medical Association (AVMA), the Humane Society of The United States (HSUS), the American Society for the Prevention of Cruelty to Animals (ASPCA); the Centers for Disease Control (CDC), and the American Bar Association (ABA).

Breed Specific Legislation results in fiscal waste, regulatory confusion, and political opposition - without increasing the safety of residents in Yakima. Communities are best served by enacting breed- neutral dangerous dog laws that hold all dog owners equally accountable for their actions.

I urge Yakima City Council to seriously consider the overwhelming evidence on this issue and utilize the Dangerous Dog ordinance already being provided under city ordinance 6.20.

Respectfully,

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October 22, 2013

Dear Honorable Mayor Cawley and Yakima City Council members,

I understand there has been recent discussion related to dog breed specific legislation (BSL) in Yakima. Like you wish to ensure that Yakima is a safe community. However, BSL has not been shown to reduce dog bites or improve public safety. Breed specific ordinances fail to address the most important issue - owner responsibility.

I urge you to repeal this costly and ineffective approach of regulating dogs on the basis of breed. Breed regulation promotes a false sense of security and contributes negatively to animal welfare issues, not community safety. No leading animal control/animal welfare, human health, or legal organization advocates regulating dogs on the basis of breed. Those in opposition to BSL include the National Animal Control Association (NACA), American Veterinary Medical Association (AVMA), the Humane Society of The United States (HSUS), the American Society for the Prevention of Cruelty to Animals (ASPCA); the Centers for Disease Control (CDC), and the American Bar Association (ABA).

Breed Specific Legislation results in fiscal waste, regulatory confusion, and political opposition - without increasing the safety of residents in Yakima. Communities are best served by enacting breed- neutral dangerous dog laws that hold all dog owners equally accountable for their actions.

I urge Yakima City Council to seriously consider the overwhelming evidence on this issue and utilize the Dangerous Dog ordinance already being provided under city ordinance 6.20.

Respectfully,

A handwritten signature in black ink, appearing to read "Jacke A. Gray". The signature is written in a cursive, flowing style.

October 22, 2013

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Respectfully,



Anna Kuntzsch, DVM

Dr. Teresa L. Gehlen, DVM

POSITION STATEMENTS AGAINST BSL

National Animal Control Association (NACA)

American Dog Owners Association (ADOA)

American Kennel Club (AKC)

American Veterinarian Association (AMVA)

Association of Pet Dog Trainers (APDT)

Colorado Veterinarian Medicine Association (CVMA)

California Veterinary Medical Association (CVMA)

International Association of Animal Behavior Consultants (IAABC)

Iowa Veterinary Medical Association (IVMA)

Kentucky Veterinary Medical Association

Longmont Colorado Veterinary Statement

Maryland Veterinary Medical Association (MVMA)

National Association of Dog Obedience Institute, INC (NADOI)

National Animal Interest Association (NAIA)

New York State Veterinary Medical Association (NYSVMS)

Pit Bull Recovery Central (PBRC)

Washington State Veterinary Medical Association (WSVMA)

Endangered Breeds Association (EBA)

National Animal Control Association Policy Statement

Extended Animal Control Concerns - Dangerous/Vicious Animals

POLICY 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 POLICY

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.

POLICY RECOMMENDATIONS

Agencies should encourage enactment and stringent enforcement of dangerous/vicious dog laws. When applicable, agencies should not hesitate to prosecute owners for murder, manslaughter, or similar violations resulting from their animal's actions, and their owner 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.

Reviewed/Revised by the NACA Corporate Office - 09/17/02



NATIONAL ANIMAL CONTROL ASSOCIATION

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A non-profit corporation representing the interests of animal control



American Dog Owner's Association, Inc.

To Promote, Protect and Enhance the Quality of Dog Ownership



Breed Specific Policy

The American Dog Owners Association opposes legislation that discriminates against specific breeds or phenotype classes of dogs, or creates restrictions that in fact make a law breed specific.



Dangerous Dog" Control Legislation

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.



Breed Specific Legislation

The following statements reflect the opinion of the Association of Pet Dog Trainers.

The Association of Pet 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 Jaw 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 a product of a combination of individual genetics, upbringing, socialization, and lack of proper training. The solution to preventing dog bites is education of owners, breeders, and the general public about aggression 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.



COLORADO VETERINARY MEDICAL ASSOCIATION

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"Pursuit of the Veterinary Profession" - The Veterinary Profession

Breed-Specific Legislation Introduced

Senator Jackie Speier (O-Hillsborough) introduced legislation on June 21 that would allow individual cities and counties to enact rules regarding specific dog breeds. The CVMA is opposing the legislation and created a fact sheet on the issue.

While we are concerned by the recent dog mauling incidents involving children and pit bulls, **breed** legislation is not the solution. Determining which dog breeds are "vicious" will be extremely difficult, and dog OWNERS may actually be less likely to license their dogs and get necessary vaccinations if they believe they will be identified as owners of so-called "vicious breeds."

Current state law prohibits cities and counties from enacting any laws that target a breed of dog. SB 861, which was formerly a Medi-Cal bill, would not ban specific dog breeds.

Instead, the bill states that local governments would no longer be prohibited "from adopting a program regulating dangerous and vicious dogs that is specific as to breed pertaining to mandatory spay or neuter programs and breeding requirements." This amended bill also includes a provision that requires all jurisdictions that do implement such programs to provide quarterly statistical dog bite reports to the state veterinarian.

A hearing on SB 861 was held in the Assembly Local Government Committee on June 29. The bill passed out of the committee on a vote of 4-3.

(2005)

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International Association of Animal Behavior Consultants

Position Statement on Breed-Specific Legislation:

The International Association of Animal Behavior Consultants (IAABC) is an organization representing professional animal trainers and animal behavior specialists. The IAABC strongly opposes any legislation specifically designed to target or discriminate against dogs based solely on their breed or appearance. The IAABC does not believe that a dog poses a danger to society solely because of its breed. Dogs can become dangerous as a result of faulty socialization, inappropriate training, poor living conditions and other factors having nothing to do with their breed. The IAABC believes that the objectives behind breed specific legislation can be met more effectively through rigorous enforcement and, where necessary, the strengthening of existing laws. We fully understand and support the need for laws to protect society, human and animal alike; however, our organization feels that any new legislation should be based on specific behaviors or actions and should not discriminate based on breed alone.

DANGEROUS DOG ORDINANCES

The Iowa Veterinary Medical Association opposes breed specific dangerous dog legislation.

A national dangerous dog bite registry that would require all dogs with dog bite history be micro chipped and registered may be a solution. There would need to be rules/regulations established to prevent repeat offenders and eliminate the opportunity for dangerous dogs to move from one location to another.

The Iowa Veterinary Medical Association supports legislation to make it a serious misdemeanor to allow a dangerous dog to run at large.

The Iowa Veterinary Medical Association opposes legislation that would allow euthanizing a dangerous dog by anyone other than a law officer, humane organization, veterinarian or person authorized under Iowa Code Sections 351.26 and 351.27.

The Iowa Veterinary Medical Association supports removing and euthanizing a dangerous dog that has injured or killed any person or domestic animal more than once.

A dangerous dog is any dog that has, without provocation, injured or killed any person or domestic animal.

IOWACODE

Section 351.26 Right and duty to kill untagged dog.

It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions unless such jurisdiction shall have otherwise provided for the seizure and impoundment of dogs, to kill any dog for which a rabies vaccination tag is required, when the dog is not wearing a collar with rabies vaccination tag attached.

Section 351.27 Right to kill tagged dog.

It shall be lawful for any person to kill a dog, wearing a collar with a rabies vaccination tag attached, when the dog is caught in the act of worrying, chasing, maiming, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Section 351.33 Rabies vaccination.

Every owner of a dog shall obtain a rabies vaccination for such animal. It shall be unlawful for any person to own or have a dog in their person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large shall not be subject to these vaccination requirements.

Section 351.37 Dogs running at large - impoundment - disposition.

A dog shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a

Nelson Road Veterinary Clinic, Inc.
8875 Nelson Road • Longmont, CO 80603
(303) 675.VETS (8387)

11/25/05

City of Longmont
City Council Members
City Complex
3rd and Kimbark
Longmont, Colorado 80503

In the last week I have noticed you are considering discussing a pit bull dog ban. If you go into the American Veterinary Medical Association's web site, or the Colorado Veterinary Medical Association's web site, you will find opinions on such a breed ban. Enclosed is some information, in order to reduce your valuable time. I have ** the areas of importance to save you time. I know of no educated, professional organization that supports such a breed ban.

It is a well-known fact that you cannot take a DNA test of a dog and determine its breed. There are many dog breeds, such as a Staffordshire, which look like pit bulls. It is expensive to be the entity that will legally enforce a ban when one cannot determine the dog breed.

A breed ban is not the answer. There are many breeds that can be aggressive: enclosed are some of our client education handouts. If you go to the Center for Disease Control web site, you will find some of the dogs that bite the most are not listed (Cockers). Responsible pet ownership is the attempt one should take, in my opinion. As one involved with politics, you will understandably want to consider pleasing both sides. Also you will note in our client education handouts, some insurance companies do not insure some breeds. Even though these commercially available client education handouts are directed towards educating and attempting to redirect/alter the behavior of a dog, many of these aggressive owning dogs do not see full service veterinary clinics. Although the cost of such information is less than \$0.25 to provide, the vaccination clinics (on county property) do not have the approach or time for aggression behavior discussions, when the puppy is small. Even then, many dogs genetically have aggressive behaviors, such as terriers. For a few decades I have worked with Boulder County Sheriff/animal control, and the clients who cause the problems do not visit full service clinics.



MARYLAND VETERINARY MEDICAL ASSOCIATION

Anciently Founded;

1000 Dd\te, SW & IA - Baltimore, MD 21216-4977

Phone: 410.331.3131 • Fax: 410.331.2060

Website: www.mvma.org

Official Position on Dangerous Animal Legislation

The Maryland Veterinary Medical Association encourages and supports ordinances that promote responsible pet ownership and at the same time protect the public from dangerous and vicious animals. We oppose legislation that restricts or prohibits certain breeds of dogs, since we do not believe that is a workable solution.

Frederic F. Everhart, DVM, JD
Immediate Past President

National Association of Dog Obedience Instructors, Inc.



Regarding breed-specific legislation

The National Association of Dog Obedience Instructors, 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, NADOI has worked to help people train their dogs to be well behaved. Also, NADOI educates dog owners about their 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.

Approved by the Board of Directors, June 2004.



NATIONAL ANIMAL INTEREST ALLIANCE

Our members feed, clothe, heal, comfort, entertain, inform and protect the world!

Breed specific legislation

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.

Unfortunately, sensational media coverage and misleading claims of canine super strength and cunning of some breeds of dogs, especially the bull-and-terrier breeds and crossbreeds, have manipulated public opinion. These factors often lead to limits on breeding and owning certain types of dogs despite the fact that many individual dogs fitting the description are beloved family pets or valuable working partners. Restrictions from outright bans to requirements for confinement, insurance, and spay and neuter often follow incidents in which a breed and its crosses are implicated in aggressive incidents or dog fighting or other criminal activity. Such limits cause the death of many well-behaved pets and rob law-abiding pet owners of their rights to choose a breed or mix and responsibly own or maintain a pet or working dog without government interference.

NAIA supports nuisance ordinances and dangerous dog laws to protect the community against unruly or dangerous dogs and irresponsible dog owners. NAIA supports sentences for violation of dog confinement and nuisance laws that include mandatory attendance at a basic obedience training class. A.KC dog obedience clubs have provided such classes for the general public for decades and, together with private trainers, they represent a well-established community resource for courts dealing with dog-related offenses.



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Pit Bull Rescue Central

Where Education Meets Rescue

Pit Bull Rescue Central (PBRC) fully supports reasonable, non-breed specific, dangerous dog laws; laws that will protect responsible owners rights and promote a safe community for all residents.

PBRC does not support any form of breed specific legislation (BSL), which targets specific breed(s) for restrictions or bans. We know that BSL is ineffective, costly to residents and unfair to responsible dog owners. Below are some facts regarding BSL and Pit Bulls.

- **Organizations against Breed Specific Legislation:**

- o American Veterinary Medical Association (AVMA)
- o The American Kennel Club (AKC)
- o The United Kennel Club (UKC)
- o American Society for the Prevention of Cruelty to Animals (ASPCA)
- o Dog Legislation Council of Canada (DLCC)
- o American Temperament Testing Society (ATTS)
- o National Animal Control Association (NACA)
- o Maryland Veterinary Medicine Association
- o Humane Society of the United States (HSUS)
- o American Canine Foundation (ACF)

Endangered Breeds Association is dedicated to the responsible ownership of all breeds of dogs. We do not tolerate, nor endorse, anyone who knowingly keeps dangerous dogs of any breed.

We strongly urge you to adopt non-breed-specific legislation which will thoroughly protect your citizens.

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

According to American Veterinary Medical Association, statistics on injuries caused by dogs are often used to demonstrate the "dangerousness" of particular breeds. Such arguments are seriously flawed as it is not possible to calculate a bite rate for a breed or to compare rates between breeds because:

- 1 - the breed of a biting dog is often not known or is inaccurately reported;
- 2 - the actual number of bites that occur in a community is not known, especially if they did not result in serious injury;
- 3 - the number of dogs of a particular breed or combination of breeds in a community is not known because it is rare for all dogs in a community to be licensed;
- 4 - statistics often do not consider multiple incidents caused by a single animal;
- 5 - breed popularity changes over time, making comparison of breed-specific bite rates unreliable.

Breed data likely vary between communities, states, or regions, and can even vary between neighborhoods within communities.

Breed-specific ordinances also raise constitutional questions concerning dog owners' 14th amendment rights. Because all types of dogs may inflict injury, ordinances addressing particular breeds can be under inclusive and to violate equal protection. Because identification of a dog's breed with certainty is prohibitively difficult, such ordinances may also be considered vague and to violate due process.

AVMA reports a dog's tendency to bite depends on at least six interacting factors: heredity, early experience, socialization and training, physical and behavioral health, victim behavior, and environment. Banning specific breeds may give owners of other breeds a false sense of security and decrease their desire to seek appropriate socialization and training for their pets.

Endangered Breeds Association recommends:

- 1 - enforcement of generic, non-breed-specific dangerous dog laws with emphasis on irresponsible owners;
- 2 - enforcement of animal control ordinances such as leash laws;
- 3 - school-based and adult education programs that teach pet selection strategies, pet care, responsibility and bite prevention.

Jean Carpenter
President
Endangered Breeds Association



RECEIVED
CITY OF YAKIMA

NOV 05 2013

13555 Summitview Road • Yakima, Washington 98908 • (509) 966-4162 OFFICE OF CITY COUNCIL

KENNETH J. LUST, D.V.M.

11/3/13

To: Yakima City Council Members
129 N. 2nd Street
Yakima, WA. 98901

From: Dr. Kenneth J Lust
Summitview Cowiche Veterinary Clinic
13555 Summitview Rd.
Yakima, WA 98908

Dear Yakima City Council Members,

With the recent concern over Breed Specific Legislation and the City of Yakima's current position regarding the ownership of Pitbull Breed dogs in the City of Yakima, I thought I should offer some incite based on my 23 years of Practice in the field of Veterinary Medicine.

It has long been my belief that breed specific bans or specific breed legislation is of no real benefit to our community. I believe that such legislation has the ability to penalize lawful and abiding pet owners and that it can prevent such owners from purchasing or owning an animal or animals of their choice.

I believe that such legislation creates an enforcement challenge for our animal control officers and that it ties up valuable city resources and dollars. I believe that it places an undue hardship on our local humane shelter. A visit to the Humane Society of Central Washington's website shows 50 percent of the dogs with their pictures listed, as having "Pit Bull" heritage. These particular dogs aren't dangerous but they are currently in the care of our Humane Shelter Employees. Yet they are banned from living in the city. It's my belief that many more of these animals would be adopted into good homes and that far fewer would be euthanized if the breed specific ban were eliminated.

In communication with the several Animal Rescue Groups that I work with, the general consensus is that it's nearly impossible to adopt an animal locally that has "Pitbull Heritage". Perhaps that's why our shelter has an overabundance of them. Rescues have the ability to adopt to the Seattle or Portland areas, or transfer to another rescue that is out of town. Our Humane Shelter doesn't have the manpower to facilitate this nor the dollars to make it happen.

It is my belief that our City's focus should instead be on the enforcement of Dangerous Dog Legislation. All Dogs can bite. And those that do, need to feel the teeth of our law enforcement action. Dogs that bite or inflict damage to people or livestock should be dealt with accordingly. Their owners should be held both accountable and liable.

During my 23 years of veterinary practice in Yakima Valley, I've seen some wonderful dogs from all breeds. I've also seen some terribly dangerous ones. I ask you to strongly consider removing breed specific legislation from our city's regulations. Instead, I ask you to focus on enforcing our dangerous dog legislation that is already in place. The offenders should be the ones that are punished.

= full submitted,

Kenneth J. Lust D.V.M.



In the 8-year period from 2005 to 2012, pit bulls killed 151 Americans and accounted for 60% of the total recorded deaths (251). Combined, pit bulls and rottweilers accounted for 73% of these deaths. [More »](#)

[Home](#) > [dangerous dogs](#) >

[pit bull FAQ](#)
 [pit bull myths](#)
 [pit bull owners](#)
 [dog attack videos](#)

Pit bull myths::

Pit bull owners, breeders and animal advocacy groups have created a slew of myths and distortions about the pit bull breed to fight breed-specific laws. Below are the top 10 myths.

Myth #1: It's the owner not the breed

The outdated debate, "It's the owner, not the breed," has caused the pit bull problem to grow into a 30-year old problem. Designed to protect pit bull breeders and owners, the slogan ignores the genetic history of the breed and blames these horrific maulings -- inflicted by the pit bull's genetic "hold and shake" bite style -- on environmental factors. While environment plays a role in a pit bull's behavior, it is genetics that leaves pit bull victims with [permanent](#) and [disfiguring](#) injuries

The pit bull's genetic traits are not in dispute. Many agree that pit bulls pose a significant danger to society and can be regulated accordingly. Some of the genetic traits courts have identified include: unpredictability of aggression, tenacity ("gameness" the refusal to give up a fight), high pain tolerance and the pit bull's "hold and shake" bite style. According to forensic medical studies, similar injuries have only been found elsewhere on victims of shark attacks >

Perpetuators of this myth also cannot account for the many instances in which pit bull owners and family members are victimized by their pet dogs. From 2005 to 2012, [pit bulls killed 151 American](#) about one citizen every 19 days. Of these deaths, 52% involved a family member and a household pit bull. Notably, in the first 9 months, nearly half of those killed by a pit bull was its owner. One victim was an "avid supporter" of Bad Rap, a recipient of Michael Vick's dogs.

Related articles:

[2012 Dog Bite Fatality: Pet Pit Bull Kills 74-Year Old Santa Fe Man](#)
[11.09.12: Pit Bull Kills 74-Year Old Santa Fe Man](#)

Myth #2: It's impossible to identify a pit bull

Pit bull advocates frequently claim that the average person cannot correctly identify a pit bull. As discussed in the Pit Bull FAQ, the pit bull is a class of dogs made up of several close dog breeds (See: [Pit Bull Identification](#)). This false claim is designed to confuse the public just like the breed's history of changing names is intended to do (See: [Disguise breed name](#)). As recently told to us by a top U.S. animal control enforcement officer, "If it looks like a pit bull, it usually is."

Pit bull advocates have even created deceptive online tests ([find the pit bull](#)) to further confuse the media, policymakers and the public. These tests are inaccurate and intentionally crafted to show that the average person cannot correctly identify a pit bull. DogsBite.org has created a more realistic test that shows a variety of popular dog breeds. Once one begins to understand the frame, posture and distinct head and jaw size of a pit bull, identification is immediate.

Can you identify the pit bull?





Pit bulls in the news

Given the enormous amount of press coverage of [Michael Vick's pit bulls](#), television shows devoted to pit bulls, such as [DogTown](#) by National Geographic, [Pit Bulls and Parolees](#) and [Pit Boss](#) by Animal Planet, and the constant production of "pit bull" stories by the pit bull community, it seems unlikely that the average person cannot identify a pit bull. Pro-pit bull groups cannot on one hand parade such imagery and on the other say

the public cannot identify a pit bull

There are only two instances in which pit bulls are "misidentified," according to pit bull advocacy logic: after a [serious or deadly attack](#) or when a breed-specific law is tested. On all other occasions, such as [frn Sp gy -neuter \\$?rvi _\\$](#) for pit bulls (backed by ru. m!. for free [spay-neuter ;:erviQS,\\$](#) for pit bulls), [J?.Rfil:fil.<!Q.QR!i.Qf!JJ:Q9 f9!!!\\$](#) for pit bulls and national ["@Ut<!EQJJ.o.!liiii91.IT! OJ"](#) campaigns for the breed, pit bulls and their mixes are 100% identifiable.

Related articles :

- [Blogger Dissects I:ceptive Online Pit Bull Identif1catio11 Test 'Find the Pit Bull'](#)
- [2010 Dog Bite Fatality: 3-Yliar Old Mauled to Death by Pit Bull Type Dog in Ocala](#)

Myth #3: Human-aggressive pit bulls were "culled"

Historically, it is believed that dogfighters removed human-aggressive pit bulls from the gene pool. "Man biters," as dogmen referred them, were "culled" to prevent dog handlers from suffering vicious bites. However, [g9_g_rn J! !|!|se!Y..!1\\$](#) and pedigrees show a different story. As far back as 1909, George Armitage shares a story in, ["J!1irli.Y ears 't!lth Fig111ing QQq."](#) He describes Caire's Rowdy as not a mere man-biter, but as a "man-eater," the most dangerous biter of all.

In more modern years, a substantial number of champion (CH), grand champion (GR CH) and register of merit (ROM) fighting dogs carry the title of a man-biter or a man-eater. These pit bulls were championship-breeding stock, whose famed owners never for a moment considered culling the dogs. Some of the most well known dogs include: [Adams ' QR CJ:i.fu bo,!Ji.C\\$o.JIQIQ..ROM, Q?mer:'. \\$.](#) CH Chinaman ROM, [Gambler's GR CH Virgil and West's QH R.<!Qsl \(man-eater\) .'](#)

In 1974, after a series of high profile news articles written by [Wayne King](#) and published by the New York Times, the image of the ferocious fighting pit bull moved from the shadowy world of dogmen into the mainstream. This period, between 1975 and 1979, is known as the "leakage period" when the breeding of pit bulls drastically increased through gang members and drug dealers, who wanted the "toughest dog" on the block, as well as by pet pit bull breeders.

While some dogmen of the past may have culled human-aggressive dogs to keep their stock free of man-biters, once the leakage period began, there is no evidence that similar selective pressures were maintained." As early as 1980, pit bull attacks begin headlining newspapers, ["Another Pit Bull Attack Reported: Boy, 8 Slashed \(1980\)."](#) as well as reports of pit bull owners trying to bolster the breed's "deteriorating" public image, ["Pit Bull Attacks As Owners Fight Image \(1980\)."](#)

Related articles:

- [Pit Bulls Lead 'Bite' Counts Across U_S Cities and Counties](#)
- [1909 Dog Bite Fatality: John P, Coloy-s Fighting Pii Bull Klfs Nephew](#)

Myth #4: Fatal attack statistics about pit bulls are false

Pro-pit bull groups argue that the [20-year fatal dog attack study](#) (from 1979 to 1998) issued by the Centers for Disease Control and Prevention in September 2000 is inaccurate because the study relied "in part" on newspaper articles. Pit bull advocates say that pit bull fatalities are more extensively reported by the media, therefore the authors of the study (most holding PhD credentials) must have "miscounted" or "double counted" the number of pit bull fatalities. 10

As stated in the CDC report, the authors collected data from media accounts as well as the Humane Society of the United States (HSUS) registry of fatal attacks. Also, all five authors, Jeffrey Sacks, Leslie Sinclair, Julie Gilchrist, Gail Golab and Randall Lockwood, openly oppose breed-specific laws. This bias is clearly reflected in the CDC report as we11.11 If discrepancies were made in the report, it seems more likely that fatal pit bull attacks were [underreported](#) not over reported.

Related articles:

- [Animal Peoole Editor Responds to Fact Cooker Article by Mark Robison](#)
- [Who Authored the CDC Fatal Dog Attack Report \(1979 to 1998\)?](#)

Myth #5: The media conspiracy against pit bulls

Pit bulls have the highest propensity and frequency of any dog breed to be involved in a severe mauling. Media members understand this and are quick to report such attacks. The reason why "Child Suffers Dog Bite" does not dominate dog attack news headlines is due to the lower degree of injury inflicted. In 2012, the death of 2-day old Howard Nicholson Jr., who was killed by the family's newly adopted husky, captured over 200,000 news headlines and web page results."

Recently, a writer from British Columbia commented on the "media conspiracy" claim voiced by pit bull advocacy groups. In a charming, yet biting piece titled, "Belligerent Bassets?" writer Andrew Holota, points out the ridiculous nature of this claim:

"Yessir, there are oodles of poodles popped by cops all the time, and the press does not report it.
And attacks by psychotic shih tzus? Covered up. Muzzled, so to speak.
Children savaged by Scottish terriers? Quashed. Hushed puppies, if you will. Oh yes, the conspiracy runs deep indeed." J

What is true is that there is an absence of media regarding the collective damage inflicted by the pit bull breed since the early 1980s. In a recent 8-year period, from 2005 to 2012, pit bulls killed 151 Americans, about one citizen every 19 days.¹⁴ By 2016, pit bulls are projected to maul 275 P. (Teris: QI L\Q..9?att) since 1998, the year the CDC stopped tracking fatal dog attacks by dog breed, and over 350 people since 1980. Major news agencies are AWOL on these important issues.

Related articles :

[Editorial: Defeat Q t11e 'Medi\\$, onspira.FI'...fueled hYJ".ilfu l fuoups
im Tirfil\)...Qf.'f:it Bull\\$, Befo .r ople ' 8.E.?sponse to Card.\\$ foll'r.](#)

Myth #6: Pit bulls are not unpredictable

Despite pro-pit bull claims that pit bulls are not unpredictable, the breed frequently attacks Itti-9 1PJ.9VOCCLJJ.Qn or \$.111119-. It is well documented by humane groups that to excel in dogfighting, pit bulls were selectively bred to conceal warning signals prior to an attack. For instance, a pit bull may not growl, bare its teeth or offer a direct stare before it strikes. Unlike all other dog breeds, pit bulls are also disrespectful of traditional signs of submission and appeasement.^{1*}

According to expert Randall Lockwood, pit bulls are also liars. In a 2004 law enforcement training video, taped when Lockwood was vice president for research and educational outreach for the Humane Society of the United States (HSUS), he shares the following story:

"Fighting dogs lie all the time. I experienced it first hand when I was investigating three pit bulls that killed a little boy in Georgia. When I went up to do an initial evaluation of the dog's behavior, the dog came up to the front of the fence, gave me a nice little tail wag and a "play bow" -- a little solicitation, a little greeting. As I got closer, he lunged for my face."¹¹

If a pit bull can fool an expert such as Lockwood, how can the average citizen anticipate a pit bull's future action? In a separate example, animal behavioral expert Peter Borchelt was sued after the pit bull he was training for a client "suddenly" attacked an ex-fireman. After encountering Gabriel Febbraio on the street and assuring him that the pit bull was friendly, the dog broke free from Borchelt and attacked Febbraio in the groin. The jury awarded Febbraio \$1 million dollars.,.

Related articles :

[2013 Dog Bite Fatality: Fullon C9unty Infsini Killed by Farnly Pit Bull
ASPCA Euhaolzes 'Unpredictable' Pit Bull Alter Rehabilitation Fails](#)

Myth #7: Pit bulls do not have a locking jaw

Pro-pit bull groups continuously attempt to debunk the pit bull "locking jaw" expression that is often used by the media and the public. A pit bull's jaw may not physically lock, but due to selective breeding for a specific bite style -- to hold on and to shake indefinitely -- we consistently hear in news reports that the dog "would not let go." DogsBite.org has recorded numerous tools used to try to get a pit bull to release its grip including: shotguns, hammers, baseball bats and

Learn more in our Pit Bull FAQ: [Why do people say that pit bulls "don't let go?"](#)

Related articles:

[Zupf Tackles the "Pit Bull Locking Jaw" Bite Style](#)
[Crow Bar Used to Unlock Pit Bull's Jaws Engaged in Fight](#)

Myth #8: Pit bulls used to be the most popular dog in America

Pit bull advocates often claim that by World War I, the pit bull had become the "most popular dog in America." A source is never cited with this claim. In 2006, the publication *Animal People* [tested this claim](#). By searching the classified dogs-for-sale ads between 1900 to 1950 on NewspaperArchive.com, the group discovered that huskies and St. Bernards were the most popular dogs of that period. Of the 34 breeds searched, pit bulls ranked 25th.

Due to the different names that pit bulls are known by, *Animal People* ran searches on three names: pit bull terrier, Staffordshire, and American bulldog. As the group states, "The exercise was skewed toward finding more pit bulls rather than fewer, since multiple searches were run to try to find pit bulls under a variety of different names." The combined sum of these three breeds came to 34,770; 1% of the sampling of nearly 3.5 million breed-specific mentions of dogs."

Related articles:

[Pit Bull Terrier De Qigled i!\\$. 'Outc.fil>_J6merl@0!9YlctimE.Jll!?.!..9.1!
AsecA Pew.et4.ates Myth that Pit Bulls Were Once a Popular Fam.!!YJ2Qq](#)

Myth #9: Pit bulls pass the American Temperament Test

In 1977, Alfons Ertel designed the American Temperament Test in hopes of creating a uniform temperament test for dogs. Of the 75 million dogs that populate the U.S. today, about 933 are tested per year (0.001% of all dogs). The temperament data published by the group is not based upon scientific random sampling of any dog breed. It seems it would be virtually impossible to develop such a reliable study, as the base population source group is unidentifiable.

Due to the temperament data being objectively statistically unreliable, it is also highly misleading. Pit bull advocates frequently use this misleading data to point to the breed's good temperament and to advocate against breed-specific laws ("Pit bulls pass the ATTS test more often than beagles!"). Yet anyone one who has a minimal understanding of critical statistical analysis should be able to see that the ATTS "breed statistics" temperament data is essentially valueless.

The 12-minute test stimulates a casual walk through a park with a range of encounters. The test focuses on stability, shyness, aggressiveness and a few other factors. According to the group, the overall pass rate (the combination of all breeds) is 81.6%,²² Unlike the AKC's Canine Good Citizen test, no part of the ATTS test is performed without the dog owner present. It also fails to evaluate the most basic scenario that leads to aggression: How a dog reacts when it sees another dog.

For more information regarding the unreliability of all temperament testing, please see: [Aggressive Behavior in Adopted Domestic Canis Familiaris that Passed a Temperament Test](#), by E. Christensen, J. Scarlett, M. Campagna and K. Houpt.

Related articles:

[Blog Dispels 'ATIS' Myth Used as Arsenal by Pit Bull Advocates
Week of Escalating Violent Attacks by Rescued and Adopted Pit Bulls](#)

Myth #10: Punish the deed not the breed

The slogan often voiced by pit bull advocates, "Punish the deed not the breed," works to the benefit of pit bull breeders and owners who accept the large collateral damage the breed inflicts upon the public and has been for the last 30-years. The slogan also accepts that a "new victim" must be created prior to punishment. The goal of breed-specific laws is to prevent the deed, as civil and criminal recourse for victims after the deed may be impossible to achieve.

Parts of a recent email sent to DogsBite.org outlines this reality clearly:

"She nearly lost her left arm in that attack and since then has piled up hundreds of thousands of dollars in medical bills. She has brought a lawsuit against the dog's owner. He had no liability insurance and has since moved out of the neighborhood. The main witness also has moved.

This woman and her family basically have no recourse. The lawsuit is fine but who knows if they will ever get a penny out of it.

I'm assuming this is a fairly common occurrence that you folks know about all too well."

Much like the outdated myth #1, "It's the owner not the breed," this last myth lies at the heart of archaic and insufficient U.S. dog policy. The modern answer to this final myth is to develop policies that prevent future victims from being created. Waiting until after a treacherous pit bull bite is too late. As former Lucas County Dog Warden Tom Skeldon states in a [WrOL-TV interview](#) about this issue, "there is no deep pocket to put these kids back together again" after a serious mauling "

Prevent the deed, regulate the breed!

Related articles:

[U.S. Marine Corps Bans Pit Bulls and Otter Breeds. Policy Affects All.](#)

[U.S. Army Adopts Breed Restriction Policy for RC1 Pnvahzed Housing](#)

Additional Myths

If one peers more closely into mauling threads -- a comment thread following a serious or deadly pit bull mauling -- and writings dispersed by national animal organizations and the pit bull community, one can find many more [myths about pit bulls](#). Two excellent resources to learn the truth behind these myths, some of which are reckless in nature, include the [Maul Talk Manual](#) and [The Truth About Pit Bulls](#) websites. We've listed several key themes to help readers get started.

Maul Talk Manual:

- [Anthropomorphism](#)
- [Condemnation of the Critics](#)
- [Denial of Pit Bull's Responsibility](#)
- [Denial of Dog Owner's Responsibility](#)
- [Minimization of Attack](#)

The Truth About Pit Bulls:

- [America's Doos Nipper](#)
- [America's Dogs T1ae](#)
- [Find the Pjt Bpfl](#)
- [T11e Bloodhound Myth](#)
- [The Nanny Dog Myth](#)
- [The Ambull Myth](#)
- [T11e A TIS Mflll](#)

Pit Bulls ..Family Pets and r-1erce Fighter\$ - by Tom Greely, *Los Angeles Times*, July 25, 1982

2 One City's Experience, by Kory A Nelson Senior City Attorney for the City of Denver, *Municipal Lawyer*. J11ylAugust 2005

3 Pit Bull Allack Case Report and Literature Review by Steven F Vegas, MD, Jason H Calhoun, MD, M Eng John Mader, MD, *Texas Medicine Vol 84*, November 1988

4 2012 US Dog Bite Fatality Statistics. DogsBite.org, by DogsBite.org January 1-1 2013

5 Pit bull kills pregnant Calif woman, *UPI.com*, August 11s, 2011

6 Thirty Years with Dog Fighting, by George C Armitage, *Jack Jones*. 1935

Dogmen Conversations About Man-Bil"rs and Man-Ealer by DogsBite.org (a compilation of various Internet dogfighting forum board conversations)

8 Fighting Dogs' Attacks Raise Alarm on Coast by Wayne King, *New York Times* February 12, 1982

9 The Ethology and Epidemiology of Canine Aggression by Randall Lockwood *The Domestic Dog: Its Evolution, Behaviour, and Interactions with People*, edited by James Serpell, *Cambidge University Press*, 1995: republished in *Animal Law and Dog Behavior*, Ed David Favre and Peter L Borchelt PhD_ 1999

10 Profiling Two Sides of the Issue . edited by Be111ard E Rollin Phd, contributions by Alan M Beck, Sc D and Ledy VanKavage.Esq, *VefelinaTy Forum* January, 2001

11 Viewpoint: The CDC Fatal Dog Allack Report Issued in 2000 Was Positively Biased. by DogsBite.org, January 2010

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13 Column: Today .pit bulls_ tomorrow the world, by Andrew Holota, *SurreyLeacler.com* August 20, 2009

14 2012 US Dog Bite Fatality Statist1cs-DogsBiteorg, by DogsBite.org January 1, 2013

15 FatalPitBullAttacks: The Archival Record, Fatalpitbullattacks.com, January 2013

16 Dog Bite Prevention for Law Enforcement and Other First Responders by Randall Lockwood, PhD, *Tawzer Dog Videos* 2004 (View partial transcript)

17 Dog Bite Prevention for Law Enforcement and Other First Responders by Randall Lockwood, PhD. *Tawzer Dog Videos*. 2004 (View partial transcript)

18 Pit Bull's Nip Nels Man \$1M. by Owen Moritz, *New York Daily News*. Dec<mbcr 17, 2000

19 How popular were p1l bulls once upon a lime?. by Merritt Clifton, *Anunal People* March 2006

20. 2007-2008 National Pet Owners Survey, American Pet Products Association (APPA)

21 ATIS Breed Statistics as of December 2008, by alls.org

22 About the ATTS as of January 19, 2010, by alls.org

23 Torn Skeldon, the "Biased" Blade and Recent Ruling Halting Enforcement of Toledo Pit Bull Laws. by DogsBite.org, February 2010

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DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks. Through our work, we hope to protect both people and pels from future allacks

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3

EXAMPLES OF NON-BREED SPECIFIC LAW REQUIREMENTS

Requirements throughout the state and country vary a bit but most are similar.

City of Yakima

Dangerous Dogs-Registration requirements - It is unlawful for a person to keep any dog which have exhibited Level 3, 4, 5 or 6 behavior as described in YMC 6.20.130, in the city without a certificate of registration issued under this section.

- The department shall issue a certificate of registration.
- A proper enclosure to confine the dangerous dog and the posting on the premises with clearly visible warning signs that there is a dangerous dog on the property. The owner shall conspicuously display warning symbols that inform children of the presence of a dangerous dog.
- A surety bond by a surety insurer qualified under RCW Chapter 48.28 in a form acceptable to the department in the sum of at least two hundred fifty thousand dollars, payable to any person injured by the dangerous dog.
- A policy of liability insurance, such as homeowners insurance, issued by an insurer qualified under RCW 48.28 in the amount of at least two hundred fifty thousand dollars , insuring the owner against liability to any person for injuries inflicted by a dangerous dog.
- A fee of one hundred fifty dollars shall be paid to the department by any person seeking to register a dangerous dog.

Typical mandates include:

- Spay and neuter
- Liability insurance ranging from \$250,000 to over \$1,000,000
- Convicted felons cannot own a pit bull
- Wearing a muzzle in public
- Restrained from allowing these dogs in public places
- Required enclosed kennels
- Fencing

4

I have tried not to say anything but, every time there is a pit bull attack Darla's name comes up. People commenting about who they think she was and what happened to explain away the simple fact that a pit bull killed her. HER PIT BULL KILLED HER. "She was white trash that she must have abused her dog." " She fell off a ladder and the dog didn't attack-it only was trying to awaken her." " Her husband trained the dog to attack Darla."

I also heard she left Yakima because they outlawed pit bulls. In reality, Darla had been living in the Bay Area several years before she decided she had the time and the room to have pets.

Prior to her marriage, Darla adopted a female pit bull and became a member of a local pit bull group that advocated against the bad rap that they always fell into. Darla exercised, trained and loved her dog while providing a good home.

After marriage, Darla's husband wanted a male pit bull and one was rescued. This pit bull was larger than average and for some reason, they chose not to neuter.

Darla's husband came home for lunch and found Darla dead, her neck tom open and the male standing over her. Darla's dog was in the corner of another room. Cowering and had urinated on the floor.

This was the end of Darla's life and she was pregnant with her first baby. Two lives ended BECAUSE of a pit bull.

I became Darla's Dad when she was about four years old. She played basketball and soccer in school. It was a joy watching her grow up and become an adult. When she turned 18, she asked me to formally adopt her and I did.

Darla was raised around horses, cattle and pigs as well as dogs and cats. Darla always treated animals with dignity, respect and love.

Everyone loved Darla. She was a genuine good person through and through.

Darla was so happy when she called to tell me she was going to have my grand baby. She sent me sonogram images and audio from the baby's heart beat. Yes, I still have all of the pictures and audio plus her texts, emails and her phone number in my phone.

Darla's baby shower was 1 month away when she died. She was planning on flying up to Seattle for it. I had just sent her a crib. Darla was 32 years old, she took her time and planned everything.

This was the most exciting time in her life. We, as a family were just as excited.

I can only imagine the shock and horror that she felt. She honestly believed in the pit bull.

I have always had dogs. I have 3 now. I have never trusted a pit bull. I know why.

Darla is always in my heart. I think of her every day. I am deeply, deeply saddened by this tragedy. It seems *almost* worse because it was preventable. My mind goes down the "what if" path very often.

I love Darla and I miss her.