



### **Sec. 10-73. - Classification as dangerous dog or vicious dog; notice to owner.**

- (a) Upon receiving a report of a dog believed to be subject to classification as a dangerous dog or vicious dog within the county, the animal control officer shall make such investigations as necessary to determine whether such dog is subject to classification as a dangerous dog or vicious dog. When the animal control officer classifies any dog as a dangerous dog or a vicious dog under this article, the animal control officer shall notify the dog's owner within 72 hours of such classification. The notice to the owner shall meet the following requirements:
- (1) The notice shall be in writing and mailed by certified mail or statutory overnight delivery to the owner's last known address.
  - (2) The notice shall include a summary of the animal control officer's determination of the dog's classification as a dangerous or a vicious dog.
  - (3) The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within 15 days after the date shown on the notice.
  - (4) The notice shall state that the animal control board shall conduct the hearing.
  - (5) The notice shall state that if the owner does not request such a hearing within the allotted time, the classification of the dog as a dangerous dog or vicious dog shall become effective for all purposes under this article.
  - (6) The notice shall include a form to request a hearing before the animal control board and shall provide specific instructions on mailing or delivering such a request.
- (b) When the animal control board receives a request for a hearing from an owner, it shall schedule such a hearing within 30 days of receipt of the request, provided that such hearing may be continued by the animal control board for good cause shown. The animal control board shall notify the owner in writing by certified mail or statutory overnight delivery of the date, time, and place of the hearing; such notice shall be made to the owner at least ten days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence.

The animal control board shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination to sustain, modify, or overrule the classification of the dog by the animal control officer. Within ten days of the date of the hearing, the animal control board shall notify the owner in writing, by certified mail or statutory overnight delivery, of its determination on the matter. If the determination is made that the dog is a dangerous dog or vicious dog, the notice shall specify the date upon which that determination is effective. If the determination is that the dog is to be euthanized pursuant to subsection (c) below, the notice shall specify the date by which the euthanasia shall occur. Unless the board determines that a later date is appropriate in a particular case, the effective date of the determination shall be the date of the animal control officer's classification.

- (c) A dog that is found, after notice and opportunity for hearing as provided in this section, to have caused serious injury to a human on more than one occasion shall be euthanized; provided, however, that no injury occurring before July 1, 2012 shall count for purposes of this subsection.

*(Ord. No. 2012-O-010, § 2, 12-4-12)*