

COUNCIL OF THE DISTRICT OF COLUMBIA

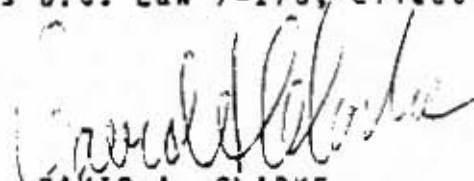
NOTICE

D.C. LAW 7-176

"Dangerous Dog Amendment Act of 1988".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-276 on first and second readings, May 17, 1988, and May 31, 1988, respectively. Following the signature of the Mayor on June 9, 1988, this legislation was assigned Act No. 7-190, published in the June 24, 1988, edition of the D.C. Register, (Vol. 35 page 4787) and transmitted to Congress on June 16, 1988 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-176, effective October 18, 1988.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

June 16,17,20,21,22,23,24,27,28,29,30

July 6,7,8,11,12,13,14,25,26,27,28,29

August 1,2,3,4,5,8,9,10,11

September 7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28,29,30

October 3,4,5,6,7,11,12,13,14,17

OCT 18 1988

AN ACT

CODIFICATION  
New Chapter 10A  
of Title 6  
(1989 supp.)

D.C. ACT 7 - 190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 09 1988

To regulate dangerous dogs in the District of Columbia, to amend An Act To prevent cruelty to children or animals in the District of Columbia, and for other purposes, and to make conforming amendments to An Act for the preservation of the public peace and protection of property within the District of Columbia, An Act To create revenues in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes, the Animal Control Act of 1979, and the District of Columbia Court Reform and Criminal Procedure Act of 1970.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Dangerous Dog Amendment Act of 1988".

Sec. 2. Definitions.

For purposes of this act, the term:

(1)(A) "Dangerous dog" means any dog that:

- (i) Has bitten or attacked a person or domestic animal without provocation; or
- (ii) In a menacing manner, approaches without provocation any person or domestic animal as if to attack, or has demonstrated a propensity to attack without provocation or otherwise to endanger the safety of human beings or domestic animals.

(B) The term "dangerous dog" shall not include dogs used by law enforcement officials for legitimate law enforcement purposes.

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

(3) "Proper enclosure" means secure confinement indoors or secure confinement in a locked pen or structure measuring at least 5 feet in width, 10 feet in length, and 6 feet in height, with secure sides and a secure top, which

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

provides protection from the elements for the dog, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property.

(4) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

(5) "Impound" means taken into the custody of the Mayor of the District of Columbia.

Sec. 3. Determination of a dangerous dog.

(a) If the Mayor has probable cause to believe that a dog is a dangerous dog, the Mayor may convene a hearing for the purpose of determining whether the dog in question shall be declared a dangerous dog and to determine if the dog would constitute a significant threat to the public health and safety if returned to its owner. Prior to a hearing, the Mayor shall conduct or cause to be conducted an investigation and shall provide reasonable notification of the hearing to the owner.

(b) Following notice to the owner and prior to the hearing, if the Mayor has probable cause to believe that a dog is a dangerous dog and may pose an immediate threat of serious harm to human beings or other domestic animals, the Mayor may obtain a search warrant pursuant to Rule 204 of the District of Columbia Superior Court Rules of Civil Procedure and impound the dog pending disposition of the case. The owner of the dog shall be liable to the District for the costs and expenses of keeping the dog.

(c) The hearing shall be held within no less than 5, and no more than 10 days, excluding holidays, Saturdays and Sundays, after service of notice upon the owner of the dog. The hearing shall be informal and open to the public. The owner shall have the opportunity to present evidence as to why the dog should not be declared a dangerous dog or not determined to be a significant threat to the public health and safety if returned to its owner. The Mayor may decide all issues for or against the owner of the dog regardless of whether the owner fails to appear at the hearing.

(d) Within 5 days after the hearing, the owner shall be notified in writing of the determination by the Mayor.

(e) If the owner contests the determination, the owner may, within 5 days of the determination, bring a petition in the Superior Court of the District of Columbia seeking de novo review of the determination. A decision by Superior Court of the District of Columbia shall not affect the Mayor's right to later declare a dog to be a dangerous dog or to determine that the dog constitutes a threat to the

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

public health and safety, for any subsequent actions of the dog.

**Sec. 4. Consequences of a dangerous dog determination.**

If a determination is made that a dog is a dangerous dog under section 3, the owner shall comply with the provisions of sections 5 and 6 and any other special security or care requirements established by the Mayor, and in accordance with a time schedule established by the Mayor. A dangerous dog determined to constitute a significant threat to the public health and safety if returned to its owner may be humanely destroyed.

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

**Sec. 5. Dangerous dog registration requirements.**

The Mayor shall issue a certificate of registration to the owner of a dangerous dog if the owner establishes to the satisfaction of the animal control agency that:

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

(1) The owner of the dangerous dog is 18 years of age or older;

(2) A valid license has been issued for the dangerous dog pursuant to District law;

(3) The dangerous dog has current vaccinations;

(4) The owner of the dangerous dog has the written permission of the property owner where the dangerous dog will be kept;

(5) The owner of the dangerous dog has a proper enclosure to confine the dangerous dog;

(6) The owner of the dangerous dog has posted on the premises a clearly visible written warning sign that there is a dangerous dog on the property with a conspicuous warning symbol that informs children of the presence of a dangerous dog;

(7) The owner of the dangerous dog has secured a policy of liability insurance issued by an insurer qualified under District law in the amount of at least \$50,000 insuring the owner for any personal injuries inflicted by the dangerous dog and containing a provision requiring the District to be named as an additional insured for the sole purpose of requiring the insurance company to notify the District of any cancellation, termination, or expiration of the liability insurance policy;

(8) The dangerous dog has been presented to the appropriate agency to be photographed for identification purposes; and

(9) The owner has paid an annual fee in an amount to be determined by the Mayor, in addition to regular dog licensing fees, to register the dangerous dog.

**Sec. 6. Dangerous dog owner responsibility.**

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

It shall be unlawful for the owner of a dangerous dog in the District to:

(1) Keep a dangerous dog without a valid certificate of registration issued under section 5 of this act;

(2) Permit the dangerous dog to be outside the proper enclosure unless the dangerous dog is under the control of a responsible person and is muzzled and restrained by a substantial chain or leash, not exceeding 4 feet in length. The muzzle shall be made in a manner that will not cause injury to the dangerous dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

(3) Fail to notify the Mayor within 24 hours if a dangerous dog is on the loose, is unconfined, has attacked another animal, has attacked a human being, has died, has been sold, or has been given away. If the dangerous dog has been sold or given away the owner shall also provide the Mayor with the name, address, and telephone number of the new owner of the dangerous dog;

(4) Fail to maintain the liability insurance coverage required under section 5; or

(5) Fail to surrender a dangerous dog to the Mayor for safe confinement pending a deposition of the case when there is a reason to believe that the dangerous dog is a significant threat to the public health and safety; or

(6) Fail to comply with any special security or care requirements established by the Mayor pursuant to section 4.

Sec. 7. Penalties.

(a) An owner of a dangerous dog who violates the provisions of sections 5 and 6 shall be fined up to \$300 for the first offense and up to \$500 for each subsequent offense.

(b) An owner of a dangerous dog that causes serious injury to or kills a human being or a domestic animal without provocation shall be fined up to \$10,000.

(c) A violation of this act shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 6-2701 et seq.) ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act, pursuant to Titles I-III of the Civil Infractions Act. Adjudication of any infractions shall be pursuant to Titles I-III of the Civil Infractions Act.

(d) Chapter 135, section 6 of An Act To prevent cruelty to children or animals in the District of Columbia,

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

and for other purposes, approved June 25, 1892 (27 Stat. 61; D.C. Code, sec. 22-810), is amended by striking "\$250" and inserting the figure "\$10,000" in its place.

(e) Chapter 310, section 10 of An Act for the preservation of the public peace and protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Code, sec. 22-1110), is amended by striking "\$5" and inserting "\$2,500" in its place.

(f) The first sentence of section 9 of An Act To create revenues in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes, approved June 19, 1878 (20 Stat. 174; D.C. Code, sec. 22-1111(a)), is amended by striking "\$20" and "\$50" and inserting "\$5,000" and "\$10,000" respectively.

**Sec. 8. Annual dangerous dog licensing drive; educational program.**

(a) The Mayor shall conduct an annual dangerous dog licensing drive in order to ensure compliance with the provisions of the Dangerous Dog Amendment Act of 1988.

(b) Within 180 days of the effective date of the Dangerous Dog Amendment Act of 1988, the Mayor shall implement an educational campaign for the public on provisions of the Dangerous Dog Amendment Act of 1988 and existing laws concerning animal control.

New,  
D.C. Code,  
sec. 6-1021.  
(1989 supp.)

**Sec. 9. Amendments.**

(a) Section 2(c) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Code, sec. 6-1001(3)), is amended to read as follows:

"(c) The term "dangerous animal" means an animal that because of specific training or demonstrated behavior threatens the health or safety of the public. The term "dangerous animal" shall not include a dangerous dog as defined in section 2(1) of the Dangerous Dog Amendment Act of 1988."

(b) Subchapter I, section 23-501(2) of the District of Columbia Court Reform and Criminal Procedure Act of 1970, approved July 29, 1970 (84 Stat. 473; D.C. Code, sec. 23-501(2)), is amended by striking "." and adding the phrase "or animal control officer employed by the District of Columbia."

D.C. Code,  
sec. 6-1001  
(1989 supp.)

D.C. Code,  
sec. 23-501  
(1989 supp.)

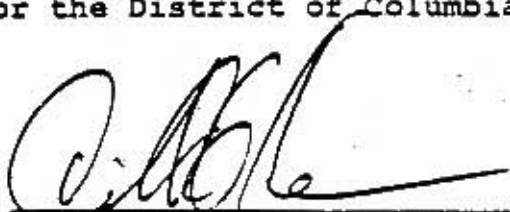
**Sec. 10. Rules.**

The Mayor shall, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of the Dangerous Dog Amendment Act of 1988.

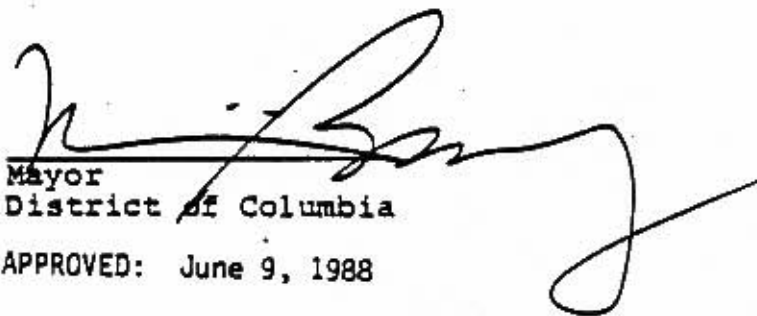
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sec. 6-1021.8  
(1989 supp.)

Sec. 11. Effective Date.

This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(2), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: June 9, 1988



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

B7-276

DOCKET NO: \_\_\_\_\_

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-17-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Clarke and Kane

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*[Signature]*  
Secretary to the Council

6-1-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-31-88

VOICE VOTE: Approved

Recorded vote on request

Absent: Rolark, Schwartz, Crawford, Ray and Kane

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

*[Signature]*  
Secretary to the Council

6-1-88  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

**CERTIFICATION RECORD**

Secretary to the Council