

August 25, 2014

Council Member Christopher Smitherman

801 Plum St., Suite 346B
Cincinnati, OH 45202

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Ohio Valley Dog Owners is a coalition of dog owners, breeders, and trainers, and dog-related clubs and businesses. We work for reasonable, enforceable laws that protect dogs, responsible dog owners, and our neighbors. In recent years, we have directed our efforts towards statewide legislation, but we also worked with Cincinnati officials on previous dangerous dog laws and are familiar with the failures of the former pit bull registration law.

As responsible owners who love dogs, our members are devastated when serious dog attacks occur. These attacks are generally the result of carelessness, negligence, or ignorance by owners who are already breaking existing law by failing to properly confine their pets, are using dogs for criminal purposes, or have failed to socialize and train their pets. In our opinion, the proposed amendments will do little or nothing to remedy these situations and will cause great harm to responsible dog owners and well-behaved dogs.

The notes below take the proposal section by section.

Leashes and responsibility for injury

Section 701-2 (A)(2) requires a chain link leash no more than six feet long. *However, a chain link leash is dangerous. There are few absolutes in dog training and control, but one universal taboo is the use of a chain link leash.*

As a dog trainer and instructor at local dog training clubs for many years, I can tell you that dog trainers and training instructors do not use – or allow students to use – chain link leashes because they can injure the handler if the dog pulls, don't allow the handler to keep a dog close, and can break where the chain joins the loop handle. *We cannot emphasize too strongly that these leashes are a disaster waiting to happen.*

In addition, the requirement to keep “any dog” on a six-foot leash when it is off the owner’s property punishes responsible owners who take their pet to a dog park or dog day care center, visit friends for puppy socialization and dog playtime, take a dog to work, or train a dog for agility, advanced obedience competition, or tracking at a dog training club or any other property they do not own or rent. This mandate will also affect demonstrations and competitions of off-lead dog sports such as agility, Frisbee, flyball, freestyle routines, and advanced obedience.

We recognize that the leash requirements were adapted from state law (ORC 955.22), but the use of a six foot leash in that law is limited to dogs adjudicated as dangerous, not “any dog” as in this proposal. In addition, while state dog confinement law is adequate in many respects, the leash and tether requirements are inappropriate regarding the use of chain link restraints or even the use of tethers for dogs already adjudicated as dangerous.

Section 701-2 (B)(2): A six-foot leash of any type should not be used as a tether because it is not an adequate restraint for an untrained dog regardless of how close a handler is stationed. A running child, a person who teases, a loud noise, a squirrel or cat, or any other distraction that startles the dog can cause it to jump or lunge and break the tether or its neck.

Ohio Valley Dog Owners Inc.
6241 N State Rte 48 Lebanon, OH 45036
www.ovdo.org ovdog01@canismajor.com

Section 701-2 (C): The proposal does not define “injury,” “severe injury,” or “domestic animal” and treats an undefined “severe injury” to a person and a domestic animal as equivalent violations, so the owner of a dog that seriously injures another dog or a cat could be punished as if the dog bit a child.

Section 701-2 (D): Civil penalties for violations also treat undefined severe injuries and other injuries to people the same as injuries to undefined “domestic animals.” (Are feral cats “domestic animals”? Dogs with a high prey drive will often chase and injure or kill feral cats that enter their space. This natural behavior has nothing to do with a dog’s propensity to bite people.)

Section 701-2 (D)(3): This section and the deletion of language allowing off-lead training denies dog owners the opportunity to train their dogs for hunting or other sports that involve longer leashes or no leashes, even when the training is done in a confined area and with a property owner’s consent.

Educational training and sterilization

Section 701-2 (E): This section fails to define “educational training course” except to say that it can be provided by a humane society or another entity. (Is this a course in dog behavior? Responsible dog ownership? Basic training for good manners? What are the objectives of such a course? Will the city contract with the chosen entity or humane society to assure that the course meets the objective? If the humane society declines to provide such a course, how will the city manager select an alternative?)

This section also mandates sterilization of the dog that injures or severely injures a person or domestic animal. This could require spay or castration of a puppy that harms a cat or scratches a child who teased it. This mandate is unfair on two levels: an owner whose dog injures a domestic animal should not be punished in the same manner as one whose dog injures a person, and sterilization before the dog is mature can lead to many health problems in the future. (Recent research indicates that sterilization before maturity does not cure aggressive behavior and can lead to growth abnormalities, joint problems, bone cancer, incontinence, prostate cancer, and more. Sterilization is a matter for the dog owner and his veterinarian, not government. We can provide references on request.)

Sec. 701-8-A. Pit Bulls to be Registered

Registration failed in the past and is likely to fail again because responsible owners are the only ones likely to obey the requirement. Irresponsible owners who fail to properly confine and train their dogs and those who use them for criminal purposes are unlikely to register their dogs.

The American Staffordshire Terrier and the Staffordshire Bull Terrier are not “pit bulls.” The breed or mix now loosely defined as a “pit bull” diverged from these two AKC-registered breeds many decades ago. Furthermore, including dogs that appear to have these breeds as an element of their breeding lacks scientific foundation and targets any muscular dog with a large head and smooth coat, a catch-all that can bring mixes of Labrador Retrievers, Boxers, Great Danes, Rottweilers, Bulldogs, or any of the mastiff breeds under this broad umbrella.

The cost of registration is high: \$50 plus microchip plus liability insurance is beyond the budget of many responsible dog owners and the \$500 fine for failure to register is prohibitive for many. The proposal does not address what happens to the dogs if owners cannot afford or decline to pay. We believe that encouraging dog owners to be responsible and removing dangerous dogs of any breed or mix from the community are better strategies for solving problems than regulating dogs by appearance.

Sec. 701-60. Animal Task Force.

While a task force can be helpful in developing and monitoring an animal control program, we have several questions regarding the make-up of this task force and its duties, especially noting that among those duties is a

mandate to define the problem that the ordinance already addresses through language that treats all dogs as dangerous and places special requirements on dogs defined as “pit bulls.”

OVDO Suggestions

1. Insist on enforcement of confinement and control laws in the Ohio Revised Code. There is no excuse for multiple repeat offenses; if owners clearly abrogate their responsibility to confine their dogs and protect their neighbors from dangerous dog behaviors, they should be charged with offenses outlined in state law.

2. Use a task force to assess the extent of the problem. This panel would gather statistics on dog bites, determine if current confinement laws are adequately enforced, contact local dog clubs to learn about existing programs that could be integrated into a plan to protect the public from aggressive or nuisance dogs, make recommendations for policies and legislation that will encourage responsible ownership, and prepare a budget for hiring additional dog officers if necessary.

Local groups that can help include Queen City Dog Training Club in Sharonville, Kuliga Dog Training Club in St. Bernard, Cincinnati Kennel Club, and OVDO. The American Kennel Club legislative division is an excellent resource, and Ohio’s state definitions of nuisance, dangerous, and vicious dogs and types of injuries (Section 955 of the Ohio Revised Code) would be helpful in writing a city ordinance. The National Animal Interest Alliance offers a *Guide to constructing successful pet-friendly ordinances* and a model animal control law based on the guide, and AKC has its Canine Good Citizen program and an education kit to help children be safe around dogs that are assets to any responsible dog ownership effort.

The task force should at least include the county dog warden, the health department, the police department, a veterinarian, a private dog trainer, and a representative of at least one area dog training club.

3. Drop the idea of breed specific regulations and focus on responsible ownership and dog behavior.

4. Coordinate with utility companies, apartment management firms, and public schools to spread the word about responsible ownership and the consequences of failing to confine a dog.

5. Coordinate annual or semi-annual events that focus on responsible ownership.

6. Have a plan in place for confiscating and housing dogs when owners fail to comply after repeated offenses. *There is no excuse for returning an ill-behaved or aggressive dog to a multiple offender who fails to confine a pet or teach it basic manners.*

OVDO urges the City of Cincinnati to protect citizens from dog bites through strict enforcement of Ohio’s state law regarding dog confinement (Section 955.22 of the ORC), to use every means possible to inform citizens about the consequences of keeping aggressive or untrained dogs, to encourage the courts to require owners convicted of Section 955.22 to attend obedience training at a local club or school, and to advise residents about steps to take if dogs attempt to bite. We are available for discussion of alternatives to resolve the city’s serious problem with loose dogs and irresponsible owners.

Sincerely,



Norma Bennett Woolf, Ohio Valley Dog Owners Inc.

Ohio Valley Dog Owners Inc.
6241 N State Rte 48 Lebanon, OH 45036
www.ovdo.org ovdog01@canismajor.com