Dangerous Dog Strict-Liability & Community Safety Ordinance

Protects children on ordinary sidewalks through first-bite strict liability, $250,000 surety bonds, mandatory shelter bite-history disclosure, and honest state BSL preemption boundaries.

WHAT IT DOES

Establishes first-bite strict liability with a $250,000 surety bond mandate, 7-day impound hearings, reckless-owner bans, and binding written shelter bite disclosures.

PREEMPTION STATUS

Conduct and bond rules hold in all 50 states. Direct breed bans (BSL) are preempted by statute in 20 to 24 states.

WHO CAN ADOPT IT

Any city or county operating animal control or funding a municipal/contracted animal shelter.

30-SECOND COUNCIL PITCH

Parents should never have to cross the street out of fear of an unrestrained aggressive dog or adopt a shelter dog with a hidden bite record. This preemption-proof draft puts teeth behind owner accountability from the first attack.

1. WHY ORDINARY FAMILIES NEED THIS REFORM

Aggressive loose dogs are one of the fastest ways to drive young children off neighborhood sidewalks and parks. Level I trauma studies show severe pediatric dog bites concentrate heavily in large, powerful fighting-type dogs (Bini et al., Annals of Surgery 2011; Essig et al., 2019 meta-analysis of 26,000 facial bites; DogsBite.org fatality records), while veterinary groups (AVMA, CDC Sacks et al. 2000) point out that visual mixed-breed labels are unreliable in court and roughly 20 to 24 states now outlaw municipal breed bans.

Cities trapped in endless debates over breed labels often end up enforcing nothing at all until a child is mauled. A preemption-proof conduct and financial-responsibility ordinance bypasses the legal impasse: it drops the outdated one-bite excuse, puts immediate financial bonds ($250,000) and locked enclosures on dangerous animals regardless of DNA, bans repeat reckless owners from keeping dogs, and forces municipal and contracted shelters to disclose every recorded bite before rehoming.

2. JURISDICTION & PREEMPTION BOUNDARIES

CITY UNILATERAL

Strict first-bite civil/administrative penalties, graduated menacing/dangerous/vicious tiers, $250,000 surety bonds or liability policies, locked six-sided enclosures, mandatory microchipping and sterilization, 5-to-10-day impound hearings, reckless-owner bans, and shelter bite-history disclosure rules.

STATE ENABLING / CHECK

20 to 24 states expressly forbid municipal Breed-Specific Legislation (BSL), including FL (Stat. 767.14, also barring weight/size caps in public housing), TX (Health & Safety 822.047), CO (18-9-204.5), WA (16.08.110), NY, IL, MA, NV, UT, VA, MN, NJ, PA, and OH. Where state law permits BSL (e.g., KS, IA, MO, AR, WI, IN), cities may add optional breed rules only if consistent with charter/referendum rules.

FEDERAL FLOOR

Procedural Due Process (14th Amendment) requires prompt notice and an administrative hearing (5 to 10 days) before permanent seizure or euthanasia. Municipal shelters that conceal known bite histories face multimillion-dollar state tort verdicts (e.g., Alvarado v. City of Los Angeles).

3. PRE-RESOLVED LOCAL PARAMETER PRESETS

Bracketed Parameter	Small Town (<15k)	Mid-Size (15k-100k)	Metro (>100k)
`[Dangerous Dog Bond / Insurance]`	$250,000 (WA RCW 16.08.080)	$250,000	$500,000 severe injury
`[Impound Hearing Window]`	7 business days	7 business days	5 business days
`[Unrestrained First Citation]`	$250 + mandatory tether/fence	$350	$500
`[Reckless-Owner Ban Duration]`	3 years	5 years	5 years (permanent on fatality)
`[Shelter Hold / Bite Disclosure]`	Written 100% history signed	Written + online log	Written + public portal
`[Annual Dangerous Dog Tag]`	$250 cost-recovery fee	$350 cost-recovery fee	$500 cost-recovery fee

4. OPERATIVE ORDINANCE SUMMARY (SEVERABILITY INCLUDED)

Article 1. Abolition of One-Bite Rule & Graduated Conduct Tiers PREEMPTION-PROOF

Section 1.1 Strict administrative accountability. Prior knowledge of a dog's viciousness is never required for administrative classification, impoundment, medical restitution, or civil fines after an unprovoked attack on a person or domestic animal off the owner's property.

Article 2. Mandatory $250,000 Surety Bond, Enclosure & Owner Liability CITY UNILATERAL

Section 2.1 Financial responsibility. To keep an adjudicated Dangerous Dog, the owner must maintain a `[$250,000]` surety bond or liability insurance policy specifically covering canine bodily injury (verified with zero applicable exclusion), requiring the insurer to give `[City]` 30 days' advance notice of cancellation.

Article 3. Rapid Impound Hearings, Cost Recovery & Euthanasia Criteria DUE PROCESS VERIFIED

Section 3.1 Immediate impoundment. Animal control shall immediately impound any dog suspected of inflicting severe human injury or running at large after a prior dangerous classification.

Article 4. Truth in Pet Adoption & Open-Admission Shelter Safety CITY UNILATERAL

Section 4.1 Mandatory written bite-history disclosure. Every municipal shelter and every rescue organization receiving `[City]` funds, contracts, or tax-exempt facility leases must disclose in writing, prior to adoption or foster placement, every known bite to a human, severe attack on a pet, or formal behavioral-aggression hold, signed by the adopter and archived for `[5]` years.

Article 5. State-by-State BSL Preemption Guide & Severability STATE LAW MATRIX

Section 5.1 Preempted states (use Articles 1 to 4 strictly). In states barring municipal breed rules (including CA, CO, CT, DE, FL, IL, ME, MA, MN, NV, NJ, NY, OK, PA, RI, SD, TX, UT, VA, WA, plus OH statutory removal and MD statutory frameworks), omit breed references completely so opponents cannot void the entire safety code.

5. FISCAL & STAFFING CAPACITY NOTE

Self-funding after initial ordinance adoption. Annual dangerous-dog registration tags ($250 to $500), at-large citations, and mandatory 30-day rolling boarding bonds offset kennel and hearing-officer costs. Mandatory written shelter bite disclosures materially reduce municipal tort and insurance liability exposure without requiring new shelter headcount.

6. FORWARD / ADAPT THIS BRIEF

Email Subject: 2-page brief: Preemption-proof dangerous-dog & shelter disclosure code for [City]

AI Code Adaptation: Paste `https://familyflourishing.org/ordinance/md/dangerous-dog-safety.md` into Claude, Gemini, or ChatGPT and ask it to map brackets to your municipal code and state preemption rules.

7. PRIMARY-SOURCE STATUTORY & EMPIRICAL CITATIONS

- **Washington RCW 16.08.080:** Dangerous dog registration requiring $250,000 surety bond or liability insurance and secure enclosure.
- **Florida HB 593 (Pam Rock Act, eff. July 1, 2025) & Fla. Stat. Sec. 767.14:** $100,000 mandatory insurance, microchipping, sterilization, shelter bite disclosure, and statewide BSL preemption.
- **California AB 588 & Virginia Code Sec. 3.2-6509.1:** Mandatory written shelter bite-history disclosure ('Truth in Pet Adoption').
- **Ohio ORC Sec. 955.22 & Texas Health & Safety Code Sec. 822.047:** Graduated behavior-based dangerous-dog tiers and state BSL preemption framework.
- **Bini et al. (2011, Annals of Surgery); Essig et al. (2019); Sacks et al. (CDC, 2000); AVMA (2014):** Peer-reviewed pediatric trauma severity data and visual breed-ID / denominator limitations.