

Ordinance in dog house with canine owners

By [Estuardo Garcia](#)

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When Casey Allen and his family decided to move back to the town where he grew up, he didn't think he would soon have to give up a member of his family.

But after a few months in his new home in Tonganoxie, Allen was told that Princess, the 1-year-old Rottweiler he bought for his children on Thanksgiving Day, would have to leave.

"I had no idea that there were any laws about Rottweilers in this town," said Allen, who moved back to his hometown from Eudora. "I told my landlord what kind of dog it was and there was no question about the dog being able to be with us. If there were, I wouldn't have even moved back to Tonganoxie."

Since the early 1990s, the City of Tonganoxie has had a law banning Rottweilers and pit bulls because the city council found that "certain specific breeds of dog are by their nature of breeding prone to exhibit unpredictable and dangerous behavior."

But Allen and others are now asking the city council to update the ordinance.

Crystal Swan Blackdeer, director of the Leavenworth County Humane Society, said the American Humane Association is against breed-specific legislation, like the one currently on the books in Tonganoxie, because it doesn't solve the problem of animal attacks.

"Any animal can bite, it's their natural defense to a perceived threat," Blackdeer said. "There are things we people can do to reduce the likelihood of a bite, and things that make an animal more likely to bite. As a rule, pets who have adequate care, socialization, training, exercise and companionship, who are sterilized and healthy, are not likely to bite unless provoked."

She said she is not alone in her thinking. She said other organizations, such as the Centers for Disease Control and Prevention, the American Veterinary Medical Association, the American Kennel Club, the National Animal Control Association, Humane Society of the United States and the American Society for Prevention of Cruelty to Animals, among other groups concerned with people and animals, don't believe banning breeds is effective in reducing the threat of dangerous dogs or bite incidents.

Brent Toellner, legislative chair for Kansas City Dog Advocates, has attended the last two regular city council meetings to discuss adopting a new dog ordinance that would not ban any breed of dog. Instead, it would set up a way to deal with dogs that have bitten someone or have become dangerous. The language of the ordinance is taken from an ordinance adopted by the City of Olathe.

Instead of banning any breed, a dog that is involved in an incident would have to be taken by the city's animal control officer. The municipal court judge then would determine whether the dog was dangerous.

"I think the city council is moving in the right direction as they look at crafting a revised ordinance based on a dog's behavior, not on its particular breed or breed appearance," Toellner wrote in an e-mail. "It is my hope that they will continue to keep a dialogue open so they can move to a more effective ordinance based on the current data and trends as they relate to dogs."

Vickie Smith, who runs Smith Veterinary Clinic, also agrees that a dog's breed doesn't determine how dangerous it is.

"In the time I've been a vet, I've seen aggressive little dogs and big dogs," Smith said. "I've had some Rottweilers that I would much rather handle than some Chihuahuas. I think people should be responsible owners, and if you own an aggressive dog you need to take the proper precautions."

While city leaders continue to debate adopting new regulation, City Administrator Mike Yanez said there might be some practical problems with adopting an ordinance like Olathe's. He said the city does not currently have the resources to handle a behavioral ordinance, especially during a time when the city is trying to cut back on expenses.

"For a town this size I don't think we can justify having a full-time animal control officer, but that could change in time if complaint calls increase in the future due to peoples concerns about behaviors of new dogs coming to town."

He also said, because the court currently meets one time a month, there is a possibility that a dog involved in an incident would have to be kenneled for up to 29 days, which the city would have to pay for if it could not collect the money from the owner.

Tonganoxie police Lt. Billy Adcox said the department receives very few calls about dog bites each year and the injuries reported have been minor.

Despite the size of the town, Toellner thinks a new ordinance could work.

"This type of ordinance has been adopted by many small communities as well as larger ones. Edwardsville and Osceola, Mo., — just to name two locally — have adopted similar ordinances in the past two years and replaced their outdated breed bans with the behavior-based ordinance that more wisely focuses on dog behavior, not breeds."

As for Princess, Allen said the dog is currently being taken care of at a friend's house outside city limits and he hopes that soon Princess and his family will be reunited in their Tonganoxie home.

"I would trust my dog around my kids before I would trust any other human being around my kids," Allen said. "She is one of the family."

The city council will be taking up the issue again at its next regular meeting on Monday.

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