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Resident wants all pit bulls, Rottweilers classified as dangerous animals

Bill Hempel believes Charlotte County should require owners of pit bulls and Rottweilers to take prudent steps to protect the public.

But his quest to single out certain breeds has some furious.

Hempel submitted a letter to the Charlotte County Commission and Punta Gorda City Council Tuesday requesting they revamp guidelines for dangerous dogs -- specifically pit bulls and Rottweilers.

The Punta Gorda resident became motivated to change current policies after hearing about the pit bull attack that left two Port Charlotte teens injured last month. The dog repeatedly bit and chased the girls as they were walking home from the Port Charlotte Beach Complex March 17. The girls suffered cuts and puncture wounds on their arms and legs. In addition, the dog severely damaged the vehicle of the man who stopped to help the teens. The pit bull was euthanized March 30.

"We need to be proactive to protect the public -- not reactive," Hempel said.

The ordinance would require all pit bull and Rottweiler owners to post a sign on their property stating a dangerous dog lives there. In addition, owners would have to keep the animal secured within their home or fenced yard, and use a leash of sufficient strength to restrain the animal during walks.

"The ordinance puts into place guidelines any prudent owner would already do," Hempel said. "It doesn't violate a owner's civil rights to own the dog."

Punta Gorda Mayor Larry Friedman said the letter raised some valid issues, but he would like to corroborate the facts presented.

"It's too premature for me or anyone to have an opinion on it until we do some research," he said. "I don't know if this is feasible or legal at this point."

According to Florida Statute 767.14, any local governmental entity may develop further restrictions or additional requirements on owners of dangerous dogs, provided no such regulation is breed-specific.

Friedman said the city's legal staff is reviewing the statistics provided in Hempel's letter, and conducting additional research. The matter could be addressed as early as the City Council's Wednesday meeting.

"If it seems like the prudent thing to do, we will pursue it," Friedman said.

In the letter, Hempel cites national statistics of dog bites, highlighting the percentage of fatal and maiming attacks caused by pit bulls or Rottweilers. He argues more than two-thirds of these attacks are by dogs that have no history of such aggression.

"This fact clearly illustrates the need to identify the dangers these animals present before the attack occurs, rather than after an attack as we do now," Hempel said in the letter.

According to the Centers for Disease Control, there are more than 4.5 million dog bites each year,

with about 12 resulting in death.

However, calculating dog bite statistics from each breed is near impossible, since no central reporting agency exists, a CDC official said.

"There is currently no accurate way to identify the number of dogs of a particular breed, and consequently no measure to determine which breeds are more likely to attack," said Gail Hayes, senior press officer with the CDC's Injury Center, in an e-mail.

Despite Hempel's pleas, some officials were less receptive to the breed-specific restrictions.

Charlotte County has an ordinance allowing animal control officials to declare a dog threatening, dangerous or vicious. The three-level system -- established in 2006 -- defines each classification and subsequent penalties if the dog attacks another animal or human.

Owners may be charged with a crime if the dog attacks a person or domestic animal without provocation, and the dog had been designated dangerous prior to the incident. Only level 1 and 2 dangerous dogs are returned to their owners following the designation. A level 3 dangerous dog is destroyed.

Owners of dogs without classifications could face charges if the animal severely injures or kills a person and the owner had previous knowledge of the its vicious tendencies.

"I feel the existing ordinance is sufficient to manage any problems we have with vicious dogs," said Dick Loftus, Charlotte County Commission chairman. "I don't think we should narrow it down to individual breeds."

Hempel believes the ordinance isn't sufficient, as it is filled with red tape.

"The current ordinance is too reactive," he said. "A dog is declared dangerous only after it has attacked a person or killed an animal.

"A class one classification gives law enforcement the ability to confiscate the animal after its first attack on another human rather than waiting for a second or third attack."

Charlotte County isn't the first community to debate dangerous dog policies.

Many communities have taken a similar approach to prevent dog attacks using breed-specific legislation, which places strict guidelines or bans on certain dogs, such as pit bulls. Currently, cities like Denver, Harlem and Queens have bans on pit bulls, while many others have considered similar action.

But dog advocates believe breed specific legislation doesn't work and is equivalent to canine discrimination.

"For people to say all pit bulls are bad is a fallacy," said Carol Vealy-Ellis, a Lehigh Acres resident and owner of a pit bull. "I think the dogs need to be judged on their own temperament -- not as a whole."

During a recent interview, Lt. Brian Jones of Charlotte County Animal Control said the agency doesn't have any statistics showing a trend of pit bull aggression to justify discrimination of the breed. Since 2001, Animal Control has euthanized two pit bulls.

"We kind of call them like we see them," Jones said, referring to the potential danger of a specific

breed.

Hempel doesn't want to take any chances.

He said the county needs to revisit its dangerous dog policies to ensure proper measures are taken ahead of time.

"If there are no bad dogs -- only bad owners -- then why not put into place regulations that cause bad owners to take the preventive measures a good owner would take?" Hempel said in the letter.

Proposed changes to Charlotte County's dangerous dog law as presented by Bill Hempel:

- * Owners of pit bulls and Rottweilers would be required to post a sign on their property stating a dangerous dog lives there.
- * Owners would be required to keep the animal secured within the home, or if outside, securely contained within a fenced area or pen.
- * When walking the dog, owners must use a leash or chain of sufficient strength to restrain the animal.
- * Modifications wouldn't infringe on right to own pit bull or Rottweiler.

For a complete description of each of the current dangerous dog classifications, along with the requirements for owners of a dangerous dog, visit the Sun Web site at www.sun-herald.com.

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