

# 'Dangerous dog' law has some biting back

By [Lori Kurtzman](#)

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NEWARK, Ohio — In the classic battle between dog and dog warden, the pooch emerged the victor this time.

Hershey, a 2-year-old bichon frise from Pataskala, won his case yesterday in Licking County Municipal Court. Or rather his owner, Shannon Mills, did. In the county's first "dangerous dog" hearing, Mills argued successfully that her pup doesn't meet the classification under a month-old law.

"We couldn't understand how it got as far as it did," said Mills, 43, who'd never been to court. "We just felt like our case was not the reason this law went into effect."

When Gov. John Kasich signed the law in February, much was made of the fact that it gave pit bulls the benefit of the doubt by no longer automatically deeming them "vicious." What many dog owners might not have realized is that the law also allowed any dog to be slapped with a label for bad behavior. All it takes is a menacing leap, a nip at a person's heels.

Hershey got into trouble on May 26, the day a 12-year-old boy walking down the sidewalk said a little white dog charged at his right ankle. The boy's mom called the dog warden and said her child had been bitten. The injury wasn't major, but she wanted to see whether Hershey had had his rabies shot. He had.

That call, though, triggered an investigation and a notice to Mills that her dog would be labeled "dangerous" unless she wanted to fight it.

Under the new law, which went into effect on May 22, a "dangerous" dog is one that has, unprovoked, injured a person; killed another dog; or gotten loose three or more times. A "vicious" dog is one that has seriously injured or killed a person. A "nuisance" dog, the least-severe of the three, has, unprovoked, approached a person in a menacing fashion while off its own property.

Even if the owner isn't charged criminally, he or she could end up in court like Mills, fighting a designation that requires an owner to follow a host of rules: Dangerous dogs must wear special tags, be confined by a fence, be spayed or neutered and be microchipped. Owners also must post signs that a dangerous dog lives there and, if a judge orders, maintain liability insurance coverage on their dog.

So far, Licking County has sent out about 12 dangerous-dog notifications, Warden John Silva said. Five owners, including Mills, have requested a hearing to dispute it. In

Franklin County, 76 dogs have been labeled dangerous, and three owners have contested and will get hearings. Delaware County hasn't had a dangerous dog yet, but Fairfield County is forwarding seven potential dangerous-dog cases to the county prosecutor for consideration.

Dog wardens have mixed feelings about the new law. It adds a lot to their workload, and they're still figuring out how to proceed with cases. Silva found most of his evidence tossed out yesterday when Judge David Stansbury agreed with Mills that an animal-control officer's testimony was largely hearsay. But Matt Granito, the president of the Ohio County Dog Wardens Association, said the law finally gives wardens a chance to hold owners responsible when dogs attack.

"Prior to this law, we couldn't do anything," said Granito, the dog warden of Geauga County, in northeastern Ohio. "This law has now put some teeth into (enforcement)."

Mills doesn't know whether her dog actually bit the boy. He wasn't in court yesterday. Neither was his mother. No one had photographed his wound. It was an awkward hearing, where no lawyers were present and neither side seemed sure of what to do. All Stansbury had to consider were the words of neighbors, who'd never had a problem with the dog, and pictures of Hershey, a 14-pound ball of fluff that cowered under the kitchen table when an animal-control officer came to take a report.

Just before Stansbury found in her favor, Mills told the judge the law is too broad, too undefined. Dogs could be punished for barking, she said, or jumping on a person or accidentally scratching someone.

"A dog cannot be a dog," she said. "So what are all dog owners supposed to do now?"

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