

December 30, 2008

Mr. Paul Spiegel  
Health Director  
City of Oshkosh  
215 Church Ave  
PO Box 1130  
Oshkosh, WI 54903-1130

Dear Mr. Spiegel:

The Oshkosh Kennel Club (OKC) agrees with many of the proposed changes to the City of Oshkosh Municipal Codes Chapter 6, but we do have the following concerns:

Section 6-1 Definitions - A-6 (page 3)  
injury, attacks, ..."

**"Dangerous Animal** means any animal which bites, inflicts

- We believe this definition is too subjective and should be defined better. The Association of Pet Dog Trainers has developed a severity determination ranking that is based on the location relevance, the situation relevance/severity, and the aggression severity/danger (Refer to Article 3 in the APDT Model Dog Law .pdf). The determination of a dog's potential dangerousness shall be based these 3 factors. Dogs shall be determined less dangerous as the evidence indicates lower numbers in the rankings. Dogs shall be determined to be more dangerous as the evidence indicates higher numbers in the rankings. A minor scratch should not constitute a Dangerous Animal. We would be willing to work with you to create a more objective definition.

Section 6-2 State Statutes Adopted (page 5)  
to cats and ferrets within the City of Oshkosh."

"The rules and regulations pertaining to licensing shall apply also

- Are ferrets now allowed within the City of Oshkosh?

Section 6-8 Cruelty to Animals - C-4 (page 7)

"Tether a pet animal under six (6) months of age."

- We believe this should state "Tether a pet animal **without supervision** under six (6) months of age." because some owner's premises are not or can not be fenced in.
- We also believe that dogs, when tethered, should be tethered so that they can not come within 15' of any lot line or the sidewalk that is not protected with a suitable fence. A dog can be scary if you are not sure whether it can reach you or not.
- We have the same concern with invisible electric fences.

Section 6-10 Spaying and Neutering (pages 9 & 10)

- We oppose this completely. AKC states in the attached AKC MSN Talking Points .pdf "Mandatory spay/neuter is an ineffective solution to animal control problems because it fails to address the heart of the issue—irresponsible ownership. Mandatory spay/neuter laws are extremely difficult to enforce and can be evaded by irresponsible animal owners by not licensing their pets. More regulations increase the workload of already financially strained animal control offices, making it even more difficult for them to perform their duties."
- We believe enforcing the existing leash law and increasing public education efforts are better ways to address the issue of irresponsible dog ownership. We would be willing to work with you to increase education efforts.
- We also believe that many pet owners do not have their pets neutered or spayed due to monetary constraints. We can work to increase the availability of free or reduced fee spaying and neutering services for pets. We would be willing to work with you to achieve this.
- If a municipal code requiring mandatory spaying and neutering exists, OAHS or other local animal welfare organizations would be denied Maddie's Funds to cover the cost Spaying and Neutering of adopted dogs and cats. Maddie's Fund has had a policy of not funding government mandated programs. As stated on their website, "This policy applies to mandatory spay/neuter laws, as well as to other requirements imposed by federal, state and local legislation."

Section 6-16 Rabies Vaccination (page 11)

- If this section pertains to vaccinations other than rabies, we would like to have titering for continued immunity accepted in place of routine vaccinations. The State of Wisconsin allows this practice. Titering is a blood test performed by a veterinarian to measuring the existence and level of antibodies in blood. If sufficient antibodies exist for a particular disease a vaccination for that disease should not be required.

Section 6-18 Pet Animal Running at Large (page 14) "... not under the control of the owner or some other person."

- We believe this should state "... not under the control **by physical restraint** of the owner or some other person.". We believe verbal control is insufficient in some instances.

Section 6-21 Dangerous Animal (pages 22 - 24)

- We support this except for the surety bond. American Kennel Club (AKC) states in the attached AKC Position .pdf "The AKC supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. The AKC believes that dog owners should be responsible for their dogs. We support laws that: establish a fair process by which specific dogs are identified as "dangerous" based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. We believe that, if necessary, dogs proven to be "dangerous" may need to be humanely destroyed. The AKC strongly opposes any legislation that determines a dog to be "dangerous" based on specific breeds or phenotypic classes of dogs." Also see attached AKC Dangerous Dog Law Alternative to BSL .pdf .
- We suspect that insurance companies would not extend coverage to an individual with the city being a co-insured when the reason for the insurance was to provide liability coverage for a dangerous animal. If this is the case the owner has no alternative, but to give away or destroy the animal.

Section 6-22 Pit Bulls and Other Restricted Breeds of Dogs (pages 25 - 28)

- We oppose this completely. We believe this is better covered under the Dangerous Animal section of this code.
- The CGC test is not a valid way to evaluate whether a dog is dangerous or not. The OKC is not able to test dogs for the purpose of determining their aggressiveness for many reasons, including but not limited to: dogs being territorial and not necessarily expressing their aggression at the test site or owners not reinforcing training thus allowing a dog to change their behavioral patterns. Currently the OKC does not carry the necessary insurance to protect the OKC or it's members for this liability. We would need Professional Liability Coverage as doing such a thing would mean that the CGC evaluator was using their professional judgment to determine the risk factor in an area that could cause injury to people.
- OAHs states in this link <http://www.oahs.org/default.asp?id=165> "From the very beginning OAHs made it very clear that they never did and never will support breed banning or breed specific legislation. When asked by the city for an opinion on breed specific legislation, OAHs point blank said don't do it, it doesn't work! OAHs even provided committee members with websites and articles addressing why breed specific legislation doesn't work."
- AKC states in the attached AKC BSL Talking Points .doc "Breed-specific laws are not the best way to protect communities. An owner intent on using his or her dogs for malicious purposes will simply be able to switch to another type of dog and continue to jeopardize public safety. The list of regulated breeds or types could grow every year without ever addressing responsible dog ownership. Deeds, not breeds, should be addressed. Breed-specific laws are hard to enforce. Breed identification requires expert knowledge of the individual breeds, placing great burden on local officials. Breed-specific laws are unfair to responsible owners. Breed-specific laws increase costs for the community. Shelter costs for the community could rise as citizens abandon targeted breeds, and adoptable dogs of the targeted breeds would be euthanized at the shelter."
- HSUS states in this link [http://www.hsus.org/pets/issues\\_affecting\\_our\\_pets/dangerous\\_dogs.html](http://www.hsus.org/pets/issues_affecting_our_pets/dangerous_dogs.html) "The HSUS opposes legislation aimed at eradicating or strictly regulating dogs based solely on their breed for a number of reasons. Breed Specific Legislation (BSL) is a common first approach that many communities take. Thankfully, once research is conducted most community leaders correctly realize that BSL won't solve the problems they face with dangerous dogs."

Section 6-23 Fees (page 29)

Pit Bull/Restricted Breed License

- We believe this to be redundant because of the Dangerous Animal License.

Section 6-24 Penalties - C (page 29)

Section 6-19(H-N)

- This should refer to Section 6-20(H-N) or Section 6-20(H-O).

We believe that stronger enforcing of existing animal municipal codes would improve existing problems.