

## Sec. 8-51. - Dog attack or bite.

(a)

No person who owns, possesses, keeps or exercises control over any dog shall do the following:

(1)

Permit the dog to attack or bite any person or domestic animal not on the premises of such owner, possessor or keeper.

(2)

Permit the dog to attack or bite any person or domestic animal upon the premises of the residence of such owner, possessor or keeper or upon the premises of any business establishment not then open to the public. It is an affirmative defense to this paragraph if such premises are previously posted at each entrance with a prominent and conspicuous sign warning all persons, in lettering not less than two (2) inches in height, of the dog and if the dog is confined, as that term is defined in [section 8-52\(b\)](#). It is also an affirmative defense to this paragraph that the attack or bite by the dog was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

(3)

Permit the dog to attack or bite any person or domestic animal upon the premises of any business establishment that is open to the public. It is an affirmative defense to this paragraph that the attack or bite by the dog was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery or theft upon the property.

(b)

The provisions of this section shall not apply to any law enforcement officer who uses a dog while engaged in law enforcement activities, nor to any owner, possessor or keeper of any dog which attacks or bites a person engaged in physically attacking or striking such owner, possessor or keeper.

*(Code 1950, § 754.2; Ord. No. 94-81, §§ 1—3, 3-9-81; Ord. No. 121-84, § 1, 3-26-84; Ord. No. 215-87, § 1, 4-20-87; Ord. No. 270-92, § 1, 5-11-92)*