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Police follow updated code, ban dog after it bit neighbor's dog

By MELANIE LAGESCHULTE • mlagesch@dmreg.com • February 11, 2010

A Siberian husky that Ankeny police said attacked another dog will not be allowed to return to the city.

The husky was off its leash and in a neighbor's yard one morning last month when it bit a dachshund that lived there, police said, and the smaller dog later died from its injuries. Ankeny Police Chief Gary Mikulec said this is the first instance where officials have followed updates made to the city's code in June 2008 dealing with animal attacks.

Under the code changes, an animal that is at-large and attacks another animal must be removed from the city or euthanized. The animal's owner may make an appeal to the City Council.

Richard and Laurie Ogg, 2508 N.W. 14th St., are the owners of Lady, the Siberian husky. The Oggas asked the council to reconsider the police department's decision at a special meeting on Feb. 4. The council voted 3-0 to uphold the ruling keeping Lady out of Ankeny.

During the meeting, Richard Ogg said Lady now lives at a friend's farm outside the city. "We might just decide to leave her there," he said.

Mikulec said Friday that the code previously only dealt with situations where an animal attacked a person.

In addition to pets being considered a member of the family, Mikulec said, officials considered the fact that some animals carry a monetary value of hundreds of dollars.

"We needed to put our foot down on these types of events occurring," he said.

The key to the ordinance is the at-large requirement and the question of whether the owner of the attacking animal has done what they can to have their pet under control, Mikulec said. For example, he said, if two people both walking their dogs on leashes stop to visit and one dog bites the other, the ordinance could not be applied.

During the council meeting, Laurie Ogg said that Lady had broken her leash the morning of the incident. The family has a fenced-in backyard, but Richard Ogg said one of their children may have left the gate open.

Laurie Ogg said Lady has not been aggressive in the past. "It is out of Lady's nature" to attack, she said, offering statements from some neighbors that Lady is a good dog.

Neighbor Angela Thraikill, 2010 N.W. 14th St., is the owner of Peanut, the dachshund police said was bitten by Lady. Thraikill said she was in her yard with Peanut and the family's other dachshund, both on leashes, when Lady came over and bit Peanut.

"The problem I have is that my dog is now dead," Thraikill said.

Councilman Wade Steenhoek asked if there could be any doubt that it was Lady that bit Peanut.

"There's no debate to that," answered community service officer Tony Higgins, who handled the case.

Steenhoek and council members Gary Welch and Tom Strait voted to uphold the decision; Dave Kissinger was absent and Craig Block abstained from the discussion and vote due to a possible conflict of interest.

Ankeny city officials and members of a local task force expect to open a dog park in the city later this year. Mikulec noted that because the dog park will

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be a fenced-in area, the vicious animal ordinance would not apply to situations there.

Todd Redenius, director of parks and recreation, said Friday that dog park organizers are working on the rules to govern the site.

"We are going to put the responsibility on the owner to control their dog," Redenius said, but added that research on other dog parks in the state showed very few biting cases. "It's almost nonexistent," he said.

Mikulec said he hopes the recent situation will serve as a caution to pet owners to ensure their animals are properly contained and registered with the city.

"It's unfortunate because there are no winners," he said, but officials need to consider the safety of residents and their pets. "Hopefully this will be a wake-up call."

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