

## **Dog deemed potentially dangerous**

Written by Elizabeth Barrett  
Thursday, 11 July 2013 13:29 -

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### **Owner can keep dog but with restrictions**

Once in a blue moon, Gothenburg City Council members must swap their council caps for those of a jury.

That situation arose the evening of July 2 when the council listened to testimony about a pit bull that escaped from a residence in the 1800 block of Lake Avenue.

Based on testimony, during an informal hearing, from witnesses and the dog's owner, Susan Schmeekle, the council had to decide whether or not the animal was potentially dangerous.

At the meeting, local police officer Matt Langley shared his report from the incident that occurred June 6.

Schmeekle, who was not in town during the incident, told the council how gentle the dog, Gunner, was while in her home.

"Gunner's never been vicious," she said, noting that the dog may have appeared vicious because it was afraid of being outside of its home and was being chased.

Langley said witnesses claimed the dog charged at children and adults in the area but didn't bite anyone.

Once police were called, Langley said he couldn't get close enough to catch the dog because it was barking and acting defensively. A neighbor was finally able to capture the animal.

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Criteria for deeming a dog potentially dangerous includes any dog that:

when unprovoked, inflicts bites on a human or domestic animal either on public or private property, or

chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, or

any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of humans or domestic animals.

Following the presentation of evidence and testimony, council members asked questions and said they struggled with the decision.

Tim Strauser said the council or Schmeekle weren't there during the incident and had to consider what witnesses said.

Although the dog may have been scared, that "doesn't change what witnesses said."

Jeff Kennedy said during the incident, the police officer and witnesses felt they were in a menacing situation and that the council is charged with protecting residents.

Jeff Whiting pointed out that, on the day of the incident, the dog had a propensity to be dangerous.

In the end, all four council members agreed that the dog showed potential to be dangerous when it escaped.

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Under the designation, Schmeeckle must do such things as registering the dog with the police department which includes proof of rabies vaccination and neuter and that a microchip has been installed to identify the dog, providing proof of general liability insurance that covers injury or damage caused by the dog, showing sufficient evidence of a property confinement enclosure and posting a sign that warns of the presence of a dangerous dog.

When outside the enclosure, the dog must be muzzled and restrained.

If the dog escapes a second time and/or another incident occurs, the dog will be declared and cannot be kept within city limits.

[ebarrett@gothenburgtimes.com](mailto:ebarrett@gothenburgtimes.com)

308-537-3636