



CAMMINO DIRITTO

Rivista di informazione giuridica



ITALIAN REGULATIONS AND HANDY INSTRUCTIONS ON HOW TO HANDLE DOGS IN PUBLIC AREAS

What we need to know when taking our Doggie out.

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To curb the frequent unpleasant episodes concerning dog handling, in 2013 the Italian Ministry of Health issued the ordinance number 209 providing new provisions on the tutelage of public safety from dog attacks.

With the aid of the National bulleting "Gazzetta" at the touch of your fingertips, one can examine all details of the present law.

Art. 1 states that: "The dog owner is at all times responsible for the welfare, the control, and the management of the animal; as well as civil and criminal offence, for any damages or injuries to persons or animals caused by the animal itself."

Art. 2 states that: "Whoever, in his capacity, agrees to handle a dog which is not of his property, will be fully responsible of the dog behaviour during the relevant period."

Therefore, the dog owner is responsible, both civil and criminal offences, for his/her dog and she/he responds directly for any injury caused by the animal. Having stated what above, it is imperative to ensure the capabilities of the dog sitter before leaving "Doggie" walking around with someone else. It is so, because it is "the latter (who) will fully take responsibility of the dog during the relevant period." But what are the acceptable behaviours that the dog owner has to observe in order to avoid and prevent "damages or injuries to persons, animals, or things?"

The answer to this question lays in Art. 3, where all the necessary precautions are specified. "For the purposes of avoiding damages or injuries to persons, animals, or property, the dog owner and the dog sitter shall take the following measures:

- a) Always use a leash not exceeding 150 centimetres while conducting the animal in urban areas and in public open places; unless walking in dogs' areas allocated by the municipalities;
- b) Always carry a muzzle, hard or soft, to be applied to the dog in case of danger for the safety of people or animals, and/or if requested by local authorities;
- c) Never entrust the dog to people who cannot manage it properly;
- d) Always acknowledge the dog's physical and ethological characteristics before buying it, and the local rules in force;
- e) Always ensure that the dog has an appropriate behaviour according to the context in which it lives, and towards people and animals who share the same living area."

Proceeding throughout the Articles, we must linger on the largely debated Art. 4 which deals with the concerns about the recollection of animals' excrements and it specifically states:

"It is binding to all dog owners and dog sitters that in urban places faeces must be collected; one has to carry with them, at all times, the appropriate tools to collect the filths."

To this regard, a recent judgment of the Supreme Court (no. 7082/2015) sanctions that the animal owners, by using appropriate means, have to minimize the probability of letting the dog "tarnish third parties owned assets such as buildings facades, or parked transportations."

In an analogous case, a dog owner has been accused of "contamination" because his dog was found "guilty" of having peed on the facade of a noble ancient Florentine palace. The holder was not sentenced because he had promptly washed the wall with a bottle of water, so to exclude the intent of fraud that characterize the crime ex art. 639, clause 2, Criminal Code.

Then, the Supreme Court bothered to narrow further duties of owners, defining precise obligations.

According to the Supreme Court, the owner of a dog must:

1. pay careful attention on the behaviour of the animal;
2. limit the animal's freedom of movement through the use of a leash;
3. try to make the animal desist from any filthy action (within the limits of the owner possibilities);
4. in case of any filthy action, the owner must repair to the damage by washing the affected area with a bottle of water.

If these provisions will not be observed, the dog owner will be accused of "sloppiness, or incompetence in managing the animal."

Article 5 and 6 bear provisions about the duty of dog owners to take part at training courses (at their own expense), especially in cases of specific dog breeds "that require a behavioural assessment, as it is challenging for the proper management, to guarantee the public safety."

Finally, we report the Art. 7:

"Due to previous incidents of biting, aggression, and other episodes; municipalities advised by the veterinary services, whom play a central role in public safety, decided that dog owners, at their own expense, have the obligation to train their dogs.

Article 7, in the wake of the two previous Articles, sanctions mandatory training for dog owners who have been responsible for dangerous incidents such as biting, aggression, etc.

The legislation specifically forbids all activities that enhance the aggressiveness of dogs and the sale of dogs that have undergone unauthorized surgery (eg. tail docking and ear cropping). These actions fully fall into crime for mistreatment of animals (Art. 544 and 727 of the Criminal Code).

There are restrictions for dog possession to persons who: are subject to preventive penal measures; who have been condemned, even if not definitively, for intentional crime against persons or properties with a sentence of two years and above; or/and underaged (less the 18) who are considered mentally ill.

Exceptions apply only to military dogs which belong to armed and police forces, civil defence and fire brigades; as well as, dogs trained to assist people with disabilities; and shepard dogs trained to conduct flocks.