

Court rules Jefferson Co. dangerous dog law valid Federal suit can now move forward

By Jason Riley • jriley@courier-journal.com • May 10, 2008

Louisville's dangerous-dog law has been declared valid by a judge who ruled yesterday that it was properly passed by the Metro Council on Dec. 20.

In February, Jefferson Circuit Judge Martin McDonald threw out two older versions of the law, ruling that a December 2006 version was passed after the Democratic caucus of the council met improperly, without notifying the public of a location change.

He also struck down amendments to that law, passed in April 2007, on grounds that they changed a version he had invalidated.

But the opinion did not address a revised version of the law the council passed last December after months of public hearings and expert testimony. The city has enforced that ordinance while McDonald considered it.

McDonald noted in his ruling yesterday that neither the city nor the Louisville Kennel Club and the League of Kentucky Sportsmen, which sued to block the law, notified the court about the December 2007 ordinance, even though they "were aware of its passage."

The law, which came about after two people were killed by pit bulls, is meant to protect the public from dangerous dogs and to increase licensing of animals.

Attorney Jon Fleischaker, representing the Kennel Club and the sportsmen's group, argued that the December 2007 version, like the one passed in April 2007, amends an invalid law and should be tossed out.

But in his ruling, McDonald found the city's most recent ordinance was passed correctly and "accomplished its goal by the illuminating light of day with ample opportunity for public discussion."

Fleischaker said he was unsure whether his clients would appeal the ruling but was pleased that a lawsuit pending in federal court challenging the ordinance's constitutionality can now move forward.

Donna Herzig, vice president of the Louisville Kennel Club, said the club felt strongly about the open-meetings violation but considered the constitutional argument against the ordinance the real "meat and potatoes."

County Attorney Irv Maze said he expected McDonald to rule in the city's favor but said "nothing in this case has ever surprised me," given its many twists and turns.

Maze also said that while the litigation will continue in federal court, he believes the city has a strong case.

"The opponents (of the ordinance) have been barking up the wrong tree," he said. "We feel good about our prospects."

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