



Upper Austrian Dog Ownership Act; Dog Ownership Duties

The goal of the Upper Austrian Dog Ownership Act 2022 is to prevent dogs endangering, unreasonably harassing humans, and other animals, and so that dogs are handled safely and responsibly.

Definition of terms in the Upper Austrian Dog Ownership Act:

Conspicuous dog

A dog is deemed conspicuous when it has bitten and seriously injured a person or another animal or has repeatedly (at least twice) endangered people without itself having been previously attacked.

Dog owner

The person who is legally responsible for looking after and supervising the dog.

Public place and local area

A place to which free access is granted for everyone or which is accessible under the same conditions.

Dogs must be kept on a leash **or** wear a muzzle in public places in local areas. The compulsory leash **or** muzzle regulation applies on all roads, pavements, sidewalks, park and sports facilities within the town signs "Town begins" and "Town ends". In addition, playgrounds, cycle paths and footpaths are considered public places **in** the local area. Even outside these areas, built-up areas with at least five residential buildings, such as more densely built-up areas, are considered part of the local area.

Conspicuous dogs must be kept on a leash and wear a muzzle in public places in the local area, except within fenced areas; wearing a muzzle is mandatory in areas which are not fenced.

Dog ownership requirements:

- Certificate of general competence prior to acquisition of the dog.
- Mandatory registration with the local authorities for the primary place of residence.
- Liability insurance with a minimum insured amount of 725,000 euros is mandatory for each dog.
- Proof of registration in the pet database in accordance with the Animal Protection Act.
- Attaching a dog tag to the dog's collar or harness.

Duties of the dog owner:

- Dogs may only be owned by persons aged 16 years and above, who have the necessary expertise for keeping dogs (general or advanced expertise) and who are psychologically, physically, and mentally able to comply with the duties of supervision.
- In principle, a dog must be supervised, kept or managed in such a way that it does not unreasonably endanger or inconvenience people and other animals, and so that it cannot walk around unsupervised in public places or on property belonging to third-parties.
- Persons who only temporarily supervise, keep, or manage the dog are also subject to these duties.
- In addition, conspicuous dogs may only be held by persons whose reliability is assured and who have a certificate of general competence.

Reporting obligations for the dog owner:

Registration:

- Persons keeping a dog over twelve weeks of age must notify the authorities of their primary place of residence in writing within three days. The **certificate of competence** and proof of **liability insurance** for a minimum of 725,000 euros, as well as the proof of **registration** in the pet database, must also be provided.

ATTENTION:

If there is **a change in the reported liability insurance**, the dog owner must inform the local authority of this change **within four weeks and present the new liability insurance policy**. The same applies for any **other changes to the insurance policy**.

Cancellation:

- Where the dog is no longer under ownership, this must be reported to local authorities with whom the primary residence is registered within one week.

Official dog tags

The dog owner must ensure that the official dog tag issued for the dog is worn visibly on the dog's collar or harness in public places.

In the event of loss or illegibility, a new official dog tag must be requested by the dog owner.

Where the official owner is no longer the owner of the dog, the dog tag must be returned to the local authority.

Who is not permitted to keep a dog?

Persons who are not deemed competent and minors under the age of 16.

If there is reason to believe that a person is not competent, they may not keep a dog. They are deemed incompetent in the case of certain legally binding convictions or punishments and where a legally binding prohibition on dog keeping has been issued (for more details see § 5 Upper Austrian Dog Ownership Act 2002).

When is a dog conspicuous?

Apart from statutory cases, (see point **Conspicuous dog**), a dog is conspicuous when an official decision has deemed it conspicuous. The local authority must determine that the dog in question poses a heightened risk based on certain facts. These facts may include the conditions under which the dog is kept, its previous history (e.g., frequent change of owner), its training (sometimes dogs are trained to be more aggressive), a disease, or similar circumstances. In this sense, a dog is deemed conspicuous if it repeatedly threatens or even attacks people, repeatedly injures other dogs or other animals such as cats and rabbits, or if it otherwise objectively demonstrates an heightened level of aggressive behaviour.

The owner of a conspicuous dog must provide a certificate of extended competence for the conspicuous dog within a reasonable period, and within six months at the latest.

In this case, the dog must undergo special training, such as the companion dog examination with behaviour tests (BH test), within a period of six months.

For further details on the specific training courses, please refer to §§ 4 and 5 of the Upper Austrian Dog Ownership Ordinance 2021.

Leash and muzzle are mandatory

- on public transport
- in schools, kindergartens, afterschool care-centres and other childcare facilities
- at designated playgrounds
- in larger public gatherings (groups of 50 people or more), such as shopping centres, leisure and amusement parks, restaurants, bathing facilities during the bathing season and at events

Note:

Local operators or authorized persons are free to prohibit the presence of dogs, e.g., indoors (for instance in restaurants).

It should be noted that the dog owner must keep, supervise, keep safe and manage the dog in such a way that the dog does not pose any threat or unreasonable inconvenience to humans and other animals.

Therefore, the dog owner must use a leash **and** a muzzle **in all public places** where the dog cannot otherwise be safely transported.

The ultimate responsibility for the dog always lies with the dog owner!

The following are excluded from the obligation to wear a leash and muzzle:

1. Dogs trained for public safety and order purposes, hunting and rescue; this applies only for the duration of their service and during exercises,
2. Specially trained dogs, or those currently in training, whose assistance is demonstrably required by persons to compensate for their disability, for therapeutic purposes, or where the dog is used in the care of the elderly or in school education, and
3. Dogs in the context of dog presentations, dog shows, etc.

Note on assistance or therapy dogs: Where the dog is accompanying persons other than their owner, it is subject to the general leash and muzzle requirement.

Free-range areas and other regulations imposed by local authorities:

Each local authority (municipal council) can also determine by decree,

- which public undeveloped areas within the local area are not subject to the leash or muzzle requirements (free-range areas),
- that dogs must be led on a leash and muzzle at certain public places within the area, or not,
- that in certain public places outside the area dogs must be led on a leash and with a muzzle, or on a leash or a muzzle, or not.

Dog leash:

Wherever a leash or leash and muzzle are mandatory, the leash must not be longer than 1.5 m (leading on the "short leash") so that the dog can be kept under control. The leash must also be suitably strong with respect to the body weight and size of the dog.

It should be noted that the dog owner is responsible for the behaviour of the dog at **all times and in all places** and there have been frequent accidents with flexible leashes (tripping).

Muzzle:

The muzzle must be designed so that the dog can open its jaws and breathe freely but cannot bite or removed its muzzle by rubbing.

A muzzle requirement does not apply to dogs being carried by their owner or in a container, or to dogs for which the owner has a veterinary certificate attesting that the wearing of a muzzle is not reasonable due to a respiratory disease involving chronic and irreversible breathing difficulties.

This certificate must always be carried and shown to public safety officials upon request.

Dog excrement:

Anyone walking a dog must immediately remove and dispose of excrement left by the dog in public places in the local area.

The ban on the contamination of public roads, pavements, sidewalks, pedestrian zones and residential streets by dog excrement and the obligation for its removal, as well as the fines for failure to comply with this obligation, are governed by the provisions of the Road Traffic Regulations.

Dog excrement is extremely harmful for grazing animals and wildlife and therefore it is strongly recommended that it be removed from meadows and fields.

Under what circumstances may a local dog ban or other official regulations be imposed?

Local dog ownership ban:

Where dog ownership endangers or inconveniences other people beyond what is reasonable for the locality, the local authority must provide official notification prohibiting the keeping of dogs in buildings or apartments including their adjoining rooms (e.g., basement and attic rooms) or in other specific areas (e.g., company premises). This dog ownership ban may be applied irrespective of the owner's status (see "dog owner" as defined above) and to persons who actually supervise, look after, or walk the dog or dogs.

Other official regulations

Where the threat or inconvenience (as described above) can be effectively addressed by less stringent means, the municipality must, for reasons of proportionality, adopt other measures (e.g., a restriction on the number of dogs owned, requirement of proof of advanced competence, the requirement for the erection of a garden fence, not permitting the dog to be alone in the garden, etc.). These official regulations may also be issued to those persons who actually supervise, look after or manage the dog or dogs, regardless of their ownership status (see above definition "Dog owner").

Can I be banned from keeping my dog?

In extreme cases, dog ownership can be prohibited where:

- Regulations are not sufficient to exclude the inconvenience or threat.
- Despite the legal penalty, there is no liability insurance cover or no proof of such cover is provided.
- The dog owner is no longer deemed competent.
- The proof of advanced competence for a conspicuous dog is not provided within the time limit.

- The owner, whether they have the necessary competence or not, is not able to look after a dog in such a way as to avoid endangering or unreasonably inconveniencing people and other animals.
- Persons who have been banned from dog ownership may no longer supervise, look after or walk the dog.

When is the dog tax due?

The dog tax is mandatory for every dog owner. It is determined and collected by the local authorities for the primary place of residence. The dog tax is first due within 2 weeks of registering the dog, and thereafter by 31 March each year. It is payable in full even if the dog dies during the year.

Penalties

An offense against the Upper Austrian Dog Ownership Act is not a minor offense and can result in a fine of up to 7,000 euros.