

AGENDA
WORK SESSION OF THE VENETA CITY COUNCIL
MONDAY, MAY 11, 2015 – 6:00 P.M.
Veneta Administrative Center, 88184 8th Street, Veneta, Oregon

1. **REVIEW VENETA MUNICIPAL CODE – DANGEROUS ANIMAL BEHAVIOR (PGS. 3 – 13)**
2. **OTHER**
3. **ADJOURN**

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City of Veneta Animal Control Regulations

Review Dangerous Animal Behavior Policies

May 11, 2015

Topics for Discussion

- Definition of Dangerous Behavior
- Review of guidelines and procedures from the time of an Incident until Court Arraignment.
- Review Restrictions prior to Court Arraignment and after Court Sentencing.
- The development of guidelines and procedures by staff from new or updated policies.

Definition of Dangerous Animal

Veneta Municipal Code 6.05.120

Dangerous animal means: “any animal, including a dog, which has the propensity to bite or attack any person without provocation and the capacity to **inflict serious harm** on that person.”

***Serious harm** means: “death, to be **serious** for the purposes of the Act; and 'seriously harmed' has a corresponding **meaning**.”*

It shall be presumed that any animal which has injured a human being on one occasion without provocation is a dangerous animal.

“Dangerous animal” also includes any animal used as a weapon in the commission of a crime.”

Review of other Jurisdictions Definition of Dangerous Behavior

- Lane County
- City of Creswell
- Marion County

Definition of Dangerous Animal

Lane Code 7.130 Dangerous Behavior

Creswell Municipal Code 6.05.400

- 1) **Class C violation** dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock
- 2) **Class B violation** dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- 3) **Class A violation** dangerous behavior is established if:
 - a) a dog, while at large, bites or cause physical injury to any domestic animal which is not livestock;
 - b) a dog bites any person;
 - c) a dog kills any domestic animal, unless the domestic animal is trespassing upon the property where the dog is authorized to be;
 - d) a dog, while at large, bites or causes physical injury or causes the death of livestock; or
 - e) a dog, whether or not confined, causes the serious injury or death of any person.

- 1) **Level 1 Dangerous behavior** is established is an animal at large, without provocation, is found to: menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock
- 2) **Level 2 Dangerous behavior** is established is an animal at large, without provocation, is found to: menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.
- 3) **Level 3 Dangerous behavior** is established if, without provocation, an animal is found to:
 - a) a dog, while at large, bites or cause physical injury to any domestic animal which is not livestock;
 - b) a dog bites any person;
 - c) a dog kills any domestic animal, unless the domestic animal is trespassing upon the property where the dog is authorized to be;
 - d) a dog, while at large, bites or causes physical injury or causes the death of livestock; or
 - e) a dog, whether or not confined, causes the serious injury or death of any person

Definition of Dangerous Animal

Marion County 6.05.030

“Potentially dangerous dog” means a dog that:

1. Without provocation and while not on premises from which the keeper may lawfully exclude others, menaces a person;

“Menace” means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person’s safety.

2. Without provocation, inflicts physical injury on a person that is less severe than a serious physical injury; or

“Physical injury” means impairment of physical condition or substantial pain.

3. Without provocation and while not on premises from which the keeper may lawfully exclude others, inflicts physical injury on or kills a domestic animal.

“Dangerous dog” means a dog that:

1. Without provocation and in an aggressive manner inflicts serious physical injury on a person or kills a person;

“Serious physical injury” means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

2. Acts as a potentially dangerous dog after having previously engaged in conduct that violated, or would be a violation of, MCC 6.05.050(h); or

3. Is used as a weapon in the commission of a crime.

Animal Control Procedure Manual

Adopted by Resolution 1045 3/28/2011

Quarantine Procedure Only

- Report of Dog Bite has been filed with the City.
- Animal Control completes a bite report form. The report includes the date of bite; detailed description of bite and photo's of the bite; names, addresses, and phone numbers of victim and keeper of dog; and detailed description of the dog.
- Animal Control contacts keeper of the dog.
- Animal is placed under (10) Ten day Quarantine.
- Dog owner is advised of restrictions during (10) ten day quarantine.
 - (a) Dog is not to leave property
 - (b) Dog shall not be in contact with people or animals outside the home during quarantine
 - (c) Dog is not to be vaccinated, sold or destroyed during quarantine
- Dog owner is to contact Animal Control immediately if animal becomes sick or dies during quarantine.
- Dog is inspected several times by Animal Control during quarantine.
- At the end of quarantine the bite report form, pictures and any additional notes are forward to Lane County Environmental Health Department.

Court Procedure

If a dog owner has been cited for Dangerous Behavior they have the right to due process. The dog owner is given a date to appear for an arraignment to enter a plea of guilty or not guilty. If a plea of not guilty is entered the case is set for trial. At the trial if the dog owner is found guilty the Judge can impose fines.

If the dog owner feels they are not guilty of the charges, they have the right to file an appeal with the Circuit Court within 30 days of the VM Courts decision.

Dangerous Behavior Restrictions

Imposed after Court Proceedings - Lane Code 7.135

- If the dog has engaged in **Class C violation** dangerous behavior pursuant to LC 7.130(1), the dog shall be restricted by a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property whenever the dog is outside the owner's home and not on a leash off the owner's property.
- If the dog has been engaged in **Class B violation** dangerous behavior pursuant to LC 7.130(2), or if the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(a) the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash off the owner's property or inside the home of the owner and shall also post warning signs.
- If the dog has engaged in **Class A violation** dangerous behavior pursuant to LC 7.130(3)(b), the owner shall meet the requirements of LC 7.135(2) and (3) above and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person over the age of 18.
- Any dog that has been found to engaged **in Class A violation** dangerous behavior pursuant to LC 7.130(3)(c) through (e) may be euthanized. Any dog that has been found to have engaged in class A violation dangerous behavior pursuant to LC 7.130(3)(e) shall be euthanized.
- To ensure correct identification, all dogs that have engaged in dangerous behavior shall be marked with a permanent identifying mark. The dog will also be required to wear an identifying collar and ID Tag.
- In addition to the normal licensing fees established in LC 7.075 there shall be an additional licensing and supervision fee for dogs that have been determined to have engaged in dangerous behavior
- A person who fails to comply with the provisions of LC 7.135 commits **a Class A violation**.

Dangerous Behavior Restrictions

Imposed after Court Proceedings - City of Creswell 6.05.410

- **Level 1 dangerous** behavior pursuant to section 6.05.400(1), the animal shall be restricted by physical device or structure that prevents the animal from reaching any public right-of-ways or adjoining property. Whenever the animal is off the owner's property, the animal shall be on a leash not to exceed six (6) feet in length and under control of a capable person over the age of 18.
- **Level 2 dangerous** behavior pursuant to section 6.05.400(2), or if the animal has engaged in Level 3 dangerous behavior pursuant to section 6.05.400(3)(a) the owner shall meet the requirements of section 6.05.410(1) and shall confine the animal within a secure enclosure or inside the home. The animal owner shall also post warning signs on the property where the animal is kept.
- **Level 3 dangerous** behavior pursuant to section 6.05.400(3)(b), the owner shall meet the requirements of section 6.05.410(1) and (2) and shall, additionally, not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash, not to exceed six (6) feet in length, and under the control of a capable person over the age of 18.
- **Level 3 dangerous** behavior pursuant to section 6.05.400(3)(c) through (d) may be euthanized.
- Any animal that has been found to have engaged in **Level 3 dangerous** behavior pursuant to section 6.05.400(3)(e) shall be euthanized. In addition, the Municipal Judge has the authority to suspend, for a period of time, the dog owners right to be owner of any dog in the City of Creswell, including dogs currently owned by that person.
- To ensure correct identification, all dogs that have engaged in dangerous behavior described in section 6.05.400 and 6.05.410 shall be required to wear an identifying collar and ID tag, to be issued by the City, in addition to any other license fees and other requirements.
- In addition to the normal licensing fees established in section 6.05.100 through 6.05.120, there shall be an additional licensing and supervision fee for dogs that have been determined to have engaged in dangerous behavior pursuant to section 6.05.400 and or 6.05.410 in amounts provided by Resolution of the city council. This additional fee shall first be payable at the time that determination is made, and renewals are due upon the anniversary of the determination.
- A person who fails to comply with the provisions of section 6.05.410 commits a **Class A violation**

Dangerous Animal Behavior

Marion County Restriction Examples

Upon finding a person has violated a provision of the Marion County Animal Control Chapter a dog owner in addition to and not in lieu of any fine, a dog owner may be required to take corrective actions reasonably intended to abate any future violations.

1. Requiring dog to be muzzled and leashed at all times when off owners property.
2. Requiring that owner and dog attend and complete a dog behavior and training class approved by the Court
3. Requiring the owner to spay or neuter any dog that was the subject of the violation
4. Construct and maintain secure enclosure approved by the Court
5. Require that the dog be kept in the owners home during specific hours
6. Requiring that the dog be relocated to a new location approved by the Court

Failure to Comply with Restrictions

It shall be a civil infraction for a dog owner to fail to comply with any corrective action is part of a determination that has become final.

Dangerous Animal Behavior Example of Court Order

There are many different scenarios that could result in a dog being classified by the court as exhibiting dangerous behavior. Many jurisdictions have established policies and codes to address situations involving everything from dogs running at large and menacing a person or animal, to biting a person or killing another animal.

The Judge may revise, or impose some or all the following restrictions . Here is an **Example of a Dangerous Behavior** court order. The Defendant has been found guilty or pleaded guilty of a dangerous behavior violation. The defendant is ordered to comply with the restrictions imposed in this judgment for a period of ____year(s). Failure to comply can result in new charges being filed for violation of restriction. Most probation periods are 1 year with out additional incidents.

Restrictions

- The dog shall be confined in a secure enclosure whenever the dog is not inside the home of the owner/keeper.
- Dog shall be on a leash under owner/caretaker's control when off the owner/caretakers property.
- The owner shall post warning signs specifying the dog has engaged in dangerous behavior.
- Dog shall be muzzled when off of keepers property on any public right of way,

Dangerous Animal Behavior

Suggestions for Council

1. Amend our definition of Dangerous Behavior
2. Use a Level or Class system
3. Add provisions for restrictions before and after a citation is issued