

ORDINANCE No. 869-A

Introduced by Commissioner Robert C. Pollard

PROVIDING FOR CLASSIFICATION AND REGULATION OF DANGEROUS ANIMALS;
ESTABLISHING NOTIFICATION PROCESS AND PROVIDING PENALTIES

The City of Warrenton, Oregon, hereby ordains as follows:

Section 1. Purpose: The purpose of Sections 2 through 5 of this ordinance is to establish a procedure whereby animals that pose a reasonably significant threat of causing serious injury to human beings or other animals are identified and subject to precautionary restrictions.

Section 2. Classification - Levels of dangerousness: An animal shall be classified as dangerous based upon specific behavior exhibited by the animal. Behavior establishing various levels of dangerousness are as follows:

A) **Level 1** behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any **animal**.

B) **Level 2** behavior is established if an animal at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any **person**.

C) **Level 3** behavior is established if an animal, **while confined**, aggressively bites any **person**.

D) **Level 4** behavior is established if an animal, **while at large**, aggressively bites or causes physical injury to any **person** or **animal**.

E) **Level 5** behavior is established if:

(1) an animal, whether or not confined, causes serious injury or death to any **person**; or

(2) an animal, while at large, kills any **animal**; or

(3) an animal engages in, or is found to have been trained to engage in, exhibitions of fighting; or

(4) an animal that has been classified as a "Level 4 dangerous animal" repeats the behavior described in D) above, after the owner receives notice of Level 4 classification.

F) Notwithstanding subsections A) through E) of Section 2, the chief of police or the chief's designee shall have discretionary authority to refrain from classifying an animal as potentially dangerous, even if the animal has engaged in behaviors specified in subsections A) through E) of said section, if the chief of police or designee determines that the behavior was the result of abusing or tormenting the animal or other extenuating circumstances. In any case, no animal shall be classified as dangerous if the behavior in question was directed against a trespasser inside any fully-enclosed building on private property if all exterior doors of the building were locked at the time the trespassing occurred.

Section 3. Identification of dangerous animals; appeals; restrictions pending appeal.

A) The chief of police or chief's designee shall have authority to determine whether or not any animal has engaged in the behaviors specified in Section 2. This determination shall be based upon an investigation that includes observation of, and testimony about, the animal's behavior. These observations and testimony can be provided by the county animal control officer or other witnesses who personally observed the behavior. The witness shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the animal's behavior, if necessary.

B) The chief of police or chief's designee shall, by certified mail or personal service, give the animal's owner written notice of the animal's classification as a dangerous animal and of the additional restrictions applicable to that animal by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the decision to the municipal judge by filing a written request for hearing with the chief of police within ten (10) days of the date the notice was personally served, or mailed by certified mail, to the owner.

C) The municipal judge shall hold a public hearing on any appeal from the police chief's decision to classify an animal as potentially dangerous. The owner and any other person having relevant evidence concerning the animal's behavior, as specified in Section 2, shall be allowed to present testimony. The municipal judge shall determine whether behavior specified in Section 2 was exhibited by the animal in question. The municipal judge shall issue an order containing his or her determination, which shall be final.

D) Once the owner has received notice of the animal's classification as a "Level 1, 2, 3 or 4 dangerous animal", pursuant to subsection B) of this section, the owner shall comply with the restrictions specified in the notice until such time as the decision of the chief of police or chief's designee may be reversed on appeal. Failure to comply with the specified restrictions pending the completion of all appeals shall be a violation of this ordinance, for which a fine can be imposed. Additionally, the chief or designee shall have authority to impound the animal pending completion of all appeals.

E) If the chief of police or chief's designee finds that an animal has engaged in "Level 5" behavior, the animal shall be impounded pending the completion of an appeal. If the chief's or designee's decision is upheld on appeal, the animal's owner shall be liable for the cost of the animal's impoundment.

Section 4. Regulation of dangerous animals. The owner of a dangerous animal shall comply with the following regulations:

A) If the animal has been classified as a "Level 1 dangerous animal", the animal shall be restrained by a physical device or structure that prevents the animal from reaching any public sidewalk or adjoining property whenever that animal is outside the owner's home and not on a leash.

B) If the animal has been classified as a "Level 2 dangerous animal", the owner shall confine the animal within a secure enclosure whenever the animal is not on a leash or inside the home of the owner.

C) If the animal has been classified as a "Level 3 dangerous animal", the owner shall meet the requirements of subsection B) of this section, and shall also post warning signs on the property where the animal is kept.

D) If the animal has been classified as a "Level 4 dangerous animal", the owner shall meet the requirements of subsections B) and C) of this section and, in addition, shall not permit the animal to be off the owner's property unless the animal is muzzled and restrained by an adequate leash and under the control of a capable person.

Section 5. Banning of dangerous animals. At the discretion of the chief of police, an animal that has been classified as a "Level 3 or 4 dangerous animal" may be prohibited from entering or residing within the city limits, except to be transported in a secure vehicle while passing through the city.

In addition, the chief of police is empowered to ban a "Level 3 or 4 dangerous animal" from the city limits for a specified period of time or permanently. However, the animal's owner shall have the right of appeal, as specified in Section 3 of any decision under this section.

Section 6. Selling of dangerous animals. No person shall sell or otherwise transfer ownership of a dangerous animal to another within the city limits. No person shall secrete or harbor a dangerous animal for another while the owner of that animal exercises the right of appeal.

Section 7. Penalties. Violation of any provision of this ordinance is punishable by a fine of, not to exceed, \$500.

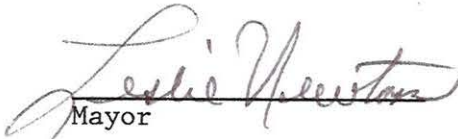
Section 8. Effective date. This ordinance shall take effect thirty (30) days after passage.

First reading: 4-18-90

Second reading: 5- 2-90

PASSED by the City Commission of the City of Warrenton, Oregon, this 2nd day of May 1990.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 2nd day of May 1990.


Mayor

ATTEST:


City Manager/Auditor