

**A BILL FOR AN ORDINANCE AMENDING TITLE )ORDINANCE BILL NO. 22  
6 OF THE LEBANON MUNICIPAL CODE )BILL NO. 2257  
CONCERNING DOGS, AND CREATING A NEW )  
CHAPTER 6.14, DANGEROUS DOGS**

It is hereby ordained by the City of Lebanon as follows:

**Section 1.** Section 6.12.040 of the Lebanon Municipal Code, Nuisance-Conditions Constituting-Designated, is hereby amended to read as follows:

Dogs shall be considered a public nuisance under the meaning of this chapter in the following instances:

- A. Any dog, when unprovoked, bites any person or animal, or shows a propensity to do so;
- B. Any dog which chases vehicles or, when off the premises of the owner or keeper, chases any person or persons;
- C. Any dog which damages or destroys property of persons other than the owner of the dog;
- D. Any dog which scatters garbage other than that of its owner or keeper;
- E. Any dog which trespasses on private property, other than its owner's or on public rights of way;
- F. Any dog which barks continuously for more than ten minutes during any one hour period when such barking is audible off the premises of the dog's owner or keeper;
- G. Any dog which is a female in heat and running at large; or
- H. Any dog which habitually escapes from confinement and trespasses on public or private property. Trespass of more than two occasions shall be considered "habitual" under the meaning of this section.

**Section 2.** There is hereby established in the Lebanon Municipal Code, a new chapter, Chapter 6.14, which shall be entitled "Dangerous Dogs", and which shall read as follows:

**6.14.010. Definitions.** As used in this chapter, unless the text requires otherwise, the following definitions shall apply:

A. "Dog at large" means any dog :

1. On private property without the permission of the owner or person entitled to possession and not restrained by a physical control device and under the control of a person capable of physically restraining the dog; or

2. On public property and not restrained by a physical control device and under the control of a person capable of physically restraining the dog.

B. "Council" means the City Council of the City of Lebanon.

C. " Dangerous Dog" means any dog that has been found to have engaged in any of the behaviors specified in Lebanon Municipal Code, Section 6.14.020(B).

D. "Director" means the Chief of Police of the Lebanon Police Department, or such other person appointed by the council to act under this chapter.

E. "Euthanize" means to put to death in a humane manner by a licensed veterinarian or animal control officer.

F. "Municipal Court" means the Municipal Court of the City of Lebanon.

G. "Owner" means the person having possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits a dog to remain on premises occupied by that person.

H. "Person" means any natural person, association, partnership, firm or corporation.

I. "Potentially Dangerous Dog" means any dog that has been found to have engaged in any behavior specified in Lebanon Municipal Code Section 6.1<sup>4</sup>~~8~~.020(A).

J. : "Physical Control Device" means a sufficiently strong collar, connected to a leash or tether, made of chain link or other material as strong, so as to prevent the escape of the dog.

K. "Serious Injury" means any physical injury that results in a broken bone or the need for stitches, or any other medical condition determined by the Director, in consultation with any medical doctor, to be of equal or greater severity.

**Section 6.14.020 - Classification of Levels of Dangerousness.**

A. A dog shall be classified as potentially dangerous based upon specific behaviors exhibited by the dog as follows:

1. While at large, on more than two occasions within a twenty-month period, the dog bites any domestic animal, or
2. While at large, the dog bites a human being or seriously injures any domestic animal.

B. The dog shall be classified as dangerous if it causes the serious injury or death of any person or kills any domestic animal. A dog classified as a potentially dangerous dog shall thereafter be reclassified as a dangerous dog if, after the owner has received notice of the potentially dangerous classification, the dog again engages in conduct which would classify it as a potentially dangerous dog.

C. The Director shall have the authority to refrain from classifying the dog as dangerous or potentially dangerous, even if the dog has engaged in the behavior specified in subsections A or B above, if the Director determines that the behavior was caused by abuse or torment of the dog or other provocation.

D. No dog shall be found to be dangerous or potentially dangerous if it is a dog trained for law enforcement purposes and is on duty under the control of a law enforcement officer at the time it exhibits such behavior under subsections A or B above.

**Section 6.14.030 - Identification of Dangerous and Potentially Dangerous Dogs - Appeals - Restrictions Pending Appeals**

A. The Director shall have authority to determine whether any dog has engaged in the behavior specified in Lebanon Municipal Code Section 6.14.020. The determination shall be based upon an investigation that includes observation of the dog's behavior by animal control officers or by other witnesses who personally observed the behavior. If the determination is based upon observations of witnesses other than animal control officers or police officers, the witness or witnesses must first sign Affidavits attesting to the observed behavior and must agree to provide testimony regarding the dog's behavior if called upon to do so by the Director.

B. The Director shall give the dog's owner written notice by certified mail or personal service. Said notice shall describe to the owner the dog's specific behavior, of the dog's classification as a dangerous or potentially dangerous dog and of the additional restrictions applicable to the dog by reason of the dog's classification. Other forms of notification which result in actual notice of the information required herein shall be sufficient for the purposes of this section. If the owner denies that the behavior in question occurred, the owner may appeal the Director's decision to the Municipal Court by filing, with the Director, a written request for a hearing. The request for a hearing must be received by the Director within ten days of the following, whichever occurs first:

1. The date of the mailing of the notice to the owner by certified mail;

2. The date the notice is personally served upon the owner; or

3. The date when the owner acquired actual knowledge of the information required to be contained in the notice.

C. The Municipal Court, shall hold a hearing on any appeal from the Director's decision to classify dog as a dangerous or potentially dangerous dog within 10 days of the receipt of the request for hearing. The owner or any other person having relevant evidence concerning the dog's behavior as specified herein, shall be allowed to present testimony. The court shall determine whether the behavior specified in Lebanon Municipal Code 6.14.020 was exhibited by the dog. The hearing shall be summary in nature, and the City shall have the burden of proving the classification of the dog by a preponderance of the evidence. The court shall allow all relevant evidence to be presented according to the Oregon Revised Statutes contained in Chapter 183 concerning a "contested proceeding." The court shall issue an order containing the court's determination, which shall be final.

D. Once the owner has received notice of the dog's classification pursuant to subsection B above, the owner shall comply with the restrictions specified in the notice until such time as the Director's decision is reversed on appeal. Additionally, the Director shall have authority to impound the dog pending completion of all appeals if the Director has reasonable grounds to believe that the owner of the dog has failed to comply with any of the restrictions specified in the notice of classification. If the Director's decision concerning the classification of the dog is upheld on appeal, the dog's owner shall pay to the City all costs incurred in the dog's impoundment.

E. If the Director finds that a dog is a dangerous dog, the dog shall be impounded pending

the completion of all appeals. If the Director's decision is upheld on appeal, the dog's owner shall pay to the City all costs incurred in the dog's impoundment.

**Section 6.14.040 - Regulation of Potentially Dangerous Dogs.** In addition to complying with all other requirements of this chapter, the owner of a potentially dangerous dog shall:

A. Physically restrain the dog to prevent it from having access to any public sidewalk, roadway, adjoining property, or any other portion of the property from which the public is not excluded;

B. Fasten a collar to the dog and keep on the dog at all times, such tag as may be issued by the City of Lebanon, identifying the dog as a potentially dangerous dog;

C. Pay an annual fee of \$25 to the city at the time the tag described in subsection B above is issued, and a like fee each year thereafter, so long as the dog remains within the corporate limits of the City of Lebanon. This fee shall be in addition to any other license fee required by law;

D. Notify the Director by certified mail where the dog is kept within ten days of any change of such location; and

E. Post a warning sign, supplied by the Director, at the location the dog is kept, in a conspicuous place visible from the public sidewalk or road adjoining the property. If no such public sidewalk or road adjoins the property, then at the boundary line of the property where access is provided to the property.

F. The requirements of this section shall apply to any person to whom ownership of a potentially dangerous dog is transferred.

**6.14.050 - Euthanasia for Dangerous Dogs.** Any dog that has been found to be a

dangerous dog shall be euthanized. If a dog is euthanized by a licensed veterinarian, the veterinarian shall certify to the City of Lebanon that the dog has been euthanized.

**6.14.060 Penalty.** The violation of any provision of this chapter shall be punishable as subject to the penalties set forth in Section 6.20.010. In addition to those penalties, the Municipal Court may order the dog in question euthanized if the court finds that the owner of the dog has failed to comply with any of the requirements of the chapter after having received notification that the dog in question has been classified as a dangerous or potentially dangerous dog.

**6.14.070 - Impoundment Pending Adjudication of Infraction.** If the owner of any dog is cited for an infraction based upon a violation of any provision of this chapter, the Director may impound the dog pending adjudication of the infraction if, in the exercise of reasonable discretion, the Director believes the dog constitutes a threat to public safety and/or private property. If the dog's owner is convicted of the infraction which caused the impoundment, the dog's owner shall pay to the City all costs incurred in the dog's impoundment and unless such costs are paid within ten days of the date when the owner is convicted of such infraction, the dog shall be euthanized. Euthanasia shall not relieve the owner of his or her responsibility to pay impoundment costs previously incurred under this chapter.

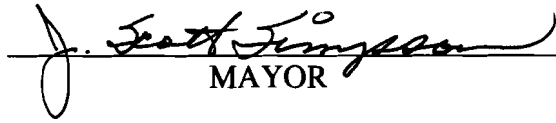
**Section 3.** Lebanon Municipal Code Section 6.20.010 - Violation/Penalty is hereby amended to read as follows:

Any person who violates this title shall be punished, upon conviction, by a fine of not more than \$500.00.


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Passed by the Council of the City of Lebanon by a vote of 5 for and 0  
against, and approved by the Mayor this 8th day of March, 2000.

  
MAYOR

ATTEST:

  
City Recorder