

A BILL FOR AN ORDINANCE AMENDING ) ORDINANCE BILL NO. 2020-03  
CHAPTER 6.14.010, 6.14.020, 6.14.030 AND )  
6.14.070 OF THE LEBANON MUNICIPAL CODE )  
RELATING TO DANGEROUS DOGS ) ORDINANCE NO. 2943

WHEREAS, Oregon law provides that Municipalities may adopt rules and regulations necessary for the health and safety of its citizens

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

**Chapter 6.14.010 is amended to read:**

"Director" means the Chief of Police of the Lebanon police department or his designee.

**Chapter 6.14.020 is amended to read:**

**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 subsection A or B of this section, if the director determines that unique circumstances existed causing the dogs behavior. The director shall also have the authority to classify what should be a dangerous dog as a potentially dangerous dog, if unique circumstances exist.
- 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 subsection A or B of this section.

**6.14.030 is amended to read:**

**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 Section 6.14.020 of this chapter. The determination shall be based upon an investigation by a police officer that includes the officer's personal observation of the dog's behavior or by other witnesses who personally observed the behavior or other evidence.
- B. Once reviewing the investigation and determining the dog's behavior does qualify as either a dangerous dog or potentially dangerous dog, notice of such determination shall be given to the dog's owner by certified mail or personal service. The notice shall describe to the owner the dog's specific behavior, whether the dog is being classified as dangerous or potentially dangerous and of any 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 in this section 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 Municipal Court, a written request for a hearing. The request for a hearing must be received by the Municipal Court 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 directors to classify dog as dangerous or potentially dangerous dog within ten 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 in this chapter, shall be allowed to present testimony. The court shall determine whether the behavior specified in Section 6.14.020 of this chapter 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 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 of this section, 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 Municipal Court 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.

F. The Municipal Court shall be expected, absent unusual circumstances, to make the classification within 60 days of the quarantine or impoundment of the dog in question.

**6.14.070 is amended to read:**

**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, including a police officer, may impound the dog pending adjudication of the infraction or the decision of the director pursuant to section 6.14.030 of this chapter, if, in the exercise of reasonable discretion, the director, or a police officer, has probable cause to believe that the dog constitutes a threat to public safety and/or private property. The impoundment under this section, if based upon the determination of the director, or a police officer may occur prior to the issuance of a citation or identification of the owner of the dog. If the dog's owner is convicted of the infraction which caused the impoundment, or if the dog is determined to be a dangerous dog by the director, pursuant to Section 6.14.030 of this chapter, 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.

Passed by the Lebanon City Council and executed by the Mayor on this 8<sup>th</sup> day of January 2020 by a vote of 6 yeas and 0 nays.

CITY OF LEBANON, OREGON

  
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Paul R. Aziz, Mayor   
Jason Bolen, Council President

ATTESTED BY:

  
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Kim Scheafer, MMC, City Recorder

