

CITY OF BANDON

CITY COUNCIL AGENDA DOCUMENTATION

DATE: October 3, 2022

SUBJECT: Discussion Item ----Nuisance Dogs and Dog Attacks.

ITEM NO. 5.2.1

BACKGROUND:

There have been two recent incidents where larger dogs running loose have attacked and seriously injured or killed smaller dogs. In some cases, owners have been bitten trying to protect their pets.

The Bandon Municipal Code contains several relevant provisions, which are attached hereto. To summarize, City Code has the following key provisions:

1. A dog that bites a person or damages property of another is a public nuisance. Under Oregon law, dogs are personal property.
2. An animal at large that is likely to cause a nuisance may be seized. However, this would not likely apply after the animal is under control.
3. Any owner of an animal that causes damage to public property, or private property of another person, shall be civilly responsible for such damages, meaning that the victim can sue.
4. Violations are punishable in the amount of \$750.00 per violation.

Coos County has an animal control department and serves as an animal control district. The county has much more developed regulations in accordance with relevant state statutes.

RECOMMENDATION:

Discussion Item only.

SUBMITTED BY:



Dan Chandler City Manager

6.12.020 Dogs at large prohibited.

A. No dog owner shall permit a dog to be at large.

B. A dog owner is deemed to be negligent per se for the actions of a dog at large, or a dog undergoing field training, or a dog in a dog-off-leash area, when the dog causes injury to a person or property.

6.12.030 Nuisance dogs.

A. A dog is a public nuisance if it:

1. Bites a person, except as provided in subsection B of this section;

2. Chases vehicles or persons;

3. Damages or destroys property of persons other than the owner of the dog;

4. Scatters garbage;

5. Trespasses on private property of persons other than the owner of the dog;

6. Is a female in heat and running at large; or

7. Injures or kills an animal or fowl belonging to a person other than the owner or custodian of the dog.

B. A dog shall not be considered a public nuisance if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person trespassing upon the premises occupied by the dog's owner after being provoked by that person.

C. The owner or keeper of a dog within the city shall not allow the dog to be a public nuisance under subsection A of this section.

D. A dog in field training, or a dog in an area designated as a dog-off-leash area, is exempted unless the dog causes personal injury or property damage off the premises of the owners.

Chapter 6.20 NUISANCE ANIMALS

6.20.010 Domestic animals and domestic pets which are nuisances.

A. A domestic animal or domestic pet is a public nuisance if it: 1. Bites a person; or 2. Damages or destroys property of persons other than the owner of the animal.

B. The owner or keeper of a domestic animal or domestic pet within the city shall not allow the animal

to be a public nuisance under subsection A of this section.

6.16.010 Animals at large.

A. No owner or person in charge of an animal shall permit the animal to wander freely and unattended so that the animal is likely to cause a nuisance to other persons or property.

B. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by Oregon Revised Statutes Chapter 609 as modified by Coos County animal control regulations, or by Sections 6.08.020, 6.08.050, 6.08.060 or 6.16.020 of this title.

6.24.140 Owner of Animal Responsible for Damages

Any owner of an animal which causes damage to public property, or private property of another person, shall be civilly responsible for such damages. The right of action created by this section may be enforced privately in the civil courts of this state by the damaged party.