



Staff Report

January 19th, 2021 Council Workshop

Modification to 6.08.100 – Aggressive or Vicious Dogs

Presenter: Mitch Lackey, Chief of Police

Phone	Email
360.834-4151	mlackey@cityofcamas.us

BACKGROUND: A modification to 6.08.100(G) that provides the city a process to revoke any permit or dog license in situations where public safety concerns justify removal of the dog from the city limits. This new process also allows animal owners a method to appeal a revocation to the Camas Municipal Court.

SUMMARY: Under Camas Municipal Code, a license to keep a dog in the city limits is issued for the life of the dog. In 2019, police, animal control employees and our Assistant City Attorney dealt with a unique case of an aggressive dog that was allowed to run loose in the city, creating fear and displaying potentially dangerous actions. Although the city possessed a process to issue fines to the owner for the dog running at large multiple times, there was a lack of any process that would have allowed the city to require the owner to remove the dog from the city limits. In part, the city lacked any language that would provide a method to revoke a dog license, once issued. The city has adequate language in the ordinance to handle vicious dogs, or dogs that had already attacked, but was lacking in clear language for dogs that were just at the stage of displaying dangerous tendencies. Dogs displaying dangerous tendencies, when combined with being outside of the owner's control, create fear and alarm.

Neighbors who experienced this situation questioned the logic of having to wait until something bad happened, and someone was injured by the roaming dog, before the city was empowered to take any action.

Working with MRSC, we found out that the city of Walla Walla, Washington, had language in their animal control ordinances that provide a method to revoke a dog license in situations such as we experienced here in Camas. Walla Walla officials reported that it was a section of the ordinance rarely used, but when necessary, provided the necessary means to require removal of a potentially dangerous dog before it was able to cause serious injury to someone.

Under the language found in new section (G), if a person holding a dog license refused to comply with the chapter (*laws governing dogs in the city limits*), or accumulated three or more violations in a twelve-month period, the owner could be subject to revocation of the license to keep the dog in the city limits. This revocation is in addition to any other penalties associated with the violations.

The new language provides a due-process right for dog owners to challenge the revocation order through the Camas Municipal Court by the filing of an appeal.

The keeping on an unlicensed dog in the city limits is a criminal offense. If the city moved to revoke a person's dog license, and it was either not challenged, or upheld by the Municipal Court, the owner of the dog would be required to immediately remove the dog from the city limits or face potential criminal penalties. When enforcing criminal laws, the police department and the Office of the City Attorney possess processes that would allow for seizure of an unlicensed dog, should that extreme step become necessary.

This proposed new modification to 6.08.100(G) is best described as a "tool in the toolbox" for unique situations involving dog owners who may not be acting responsibly in the care and custody of their own dog. I do not believe that it will be used often, but would benefit the citizens of Camas by providing for a procedure that could be used in such situations and potentially avoid someone from being seriously injured.

EQUITY CONSIDERATIONS:

What are the desired results and outcomes for this agenda item?

That the animal control ordinances are updated to provide a process for the City of Camas to revoke a dog license, one issued, in cases where public safety is jeopardized.

What's the data? What does the data tell us?

That situation such as happened in 2019 are rare – most dog owners are responsible for their pets and comply with the existing animal control ordinances, maintaining control over their dogs. However, each year, the city has a small number of dog bites or attacks that result in injuries to persons or other pets.

How have communities been engaged? Are there opportunities to expand engagement?

This proposal came from a groundswell of interest in one Camas neighborhood, driven by their experiences of having to live through this very real situation. In fact, other than that one neighborhood, the community has not been engaged in this discussion. There are opportunities to expand the discussion of this item either through the city's social media platforms or via a print media article.

Who will benefit from, or be burdened by this agenda item?

The citizens of Camas will benefit from this change by having a law that provides for increased public safety. It is possible that a dog owner who is subject to a revocation order would feel that they would be burdened by this item. In general, people love their pets and ordering a dog owner to remove an offending dog from their household (in city limits) would not be something that they would want to do absent the coercion of this law. Although the law

provides for due-process protections, it would not be something that would be “liked” by someone who had the city issue a license revocation.

What are the strategies to mitigate any unintended consequences?

The insertion of the appeal process to the Municipal Court is designed to be a protection from improper enforcement or to ensure that animal owners have their rights protected.

Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.

Sometimes, socio-economic issues can create a situation where people without means feel navigating the court process puts them at an unfair advantage when faced with going up against the government. Often this can play out when some in society lack the financial means to hire attorneys to assist them with their case, putting them at a disadvantage in any court proceeding. Not unique to this proposed ordinance, many who lack the ability to pay for legal assistance feel that the criminal justice system is difficult to navigate, complex or puts them at a disadvantage. A segment of the Camas population can be classified in this demographic.

Will this agenda item improve ADA accessibilities for people with disabilities?

N/A

What potential hurdles exists in implementing this proposal (include both operational and political)?

None. This can be easily implemented with limited training to enforcement staff.

How will you ensure accountabilities, communicate, and evaluate results?

The prediction is this modified language will be rarely used. But when used, it will be easily evaluated as the cases would likely be highly emotionally charged and involve both the Chief of Police and the City Attorney. Evaluation can be made on a case-by-case examination of the outcomes.

How does this item support a comprehensive plan goal, policy or other adopted resolution?

The Camas Strategic Plan calls for the city to be a safe place to live, work and play. All laws that promote the city to be a safer place for our residents and visitors support that plan and the city’s stated goals.

BUDGET IMPACT: Use this section to provide the Council details how this item impacts the City’s budget.

There is no budget impact to this proposed ordinance change.

RECOMMENDATION: It is recommended that the City Council direct that this ordinance be placed on the Regular Meeting Agenda for February 2nd, 2021, for consideration.