

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Hearing: An Ordinance Concerning Dogs on Alder Street and Repealing Section 4.427 of the Eugene Code, 1971

Meeting Date: September 19, 2011
Department: Eugene Police
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Lieutenant Doug Mozan
Contact Telephone Number: 541-682-5164

ISSUE STATEMENT

This is a public hearing to gather public comments on an ordinance concerning dogs on Alder Street. In 1996, the City Council adopted a prohibition on dogs in the business district around the intersection of East 13th Avenue and Alder Street. Councilor Betty Taylor has introduced an ordinance to repeal the ban on dogs in this neighborhood. The ordinance repeals the entire section 4.427, and thereby permits dogs in this area. No other changes to animal regulations are affected by the proposed ordinance.

BACKGROUND

In August 1996, the City Council adopted Ordinance 20057, establishing a ban on dogs in the business district around the intersection of Alder Street and East 13th Avenue. The area where dogs are banned was expanded in Ordinance 20071, and currently includes Alder between East 12th and East 14th avenues and East 13th Avenue between Pearl and Kincaid streets. At the initial public hearing on August 5, 1996, there were 42 people speaking on the topic, with 18 speaking in favor of the ban, and 20 against the ban (the remaining people were neither for nor against). The council discussed the issue at its meeting on August 7, and adopted the ban on August 12, 1996. The ordinance has remained in effect since that date.

The original intent of the ban was to address health and safety concerns, as well as congestion, caused by the number of dogs in the business area. At the time the ban was sought and later enacted, large groups of people flocked to the East 13th Avenue corridor because of the favorable conditions for pan-handling, drug sales and drug use. Many of these transients had dogs. Area residents and students reported frightening encounters with aggressive dogs. A ban on dogs was one tool sought to mitigate the problem of lawless behavior among transients.

Reviewing the testimony provided during the last City Council hearing about this topic, there is both support and opposition to the ban. Those who opposed the ban said that it was inappropriate to implement an area-wide ban of normally lawful activity to target a small portion of the population. Others commented that there are already regulations in place to address the criminal activity, and that those regulations should be enforced rather than adding more regulations. Those who spoke in support of the ban expressed public health and safety concerns resulting from dogs in a congested commercial area.

What endures to this day is an absence of the dog problem behavior in the East 13th Avenue corridor. When the occasional student or business owner transits the area with a dog, they are reminded of the ban, and respond with little resistance. Residents in the area know the rules, and do not cause conflict with the ordinance. Dog nuisance issues can be addressed immediately because of the ban. If the ban is lifted, addressing issues will not be as timely. While there currently is a requirement that dogs be licensed, there is a five-day grace period after someone moves to Eugene, which delays the ability to take enforcement action on unlicensed dogs, as it does elsewhere in the city.

Meanwhile, a new generation of transients is frequenting areas of Eugene with dogs. The more congested the area, the more public health and safety concerns arise due to conflicts between the dogs and the people in the area.

During the past five-year period, 10 citations have been issued in this area, with three in the FY2009-2010 period. This can be compared with 512 total calls for service city-wide for aggressive or at-large dogs for the same two year period.

RELATED CITY POLICIES

None.

COUNCIL OPTIONS

No formal action is required as this is a public hearing. Council action has not been scheduled.

CITY MANAGER'S RECOMMENDATION

This item is scheduled for public hearing only. No action is required at this time.

SUGGESTED MOTION

No motion is proposed for the public hearing.

ATTACHMENTS

A. Proposed Ordinance

FOR MORE INFORMATION

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ORDINANCE NO. _____

AN ORDINANCE CONCERNING DOGS ON ALDER STREET AND REPEALING SECTION 4.427 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.427 of the Eugene Code, 1971, is repealed.

~~[4.427 — Dogs – Certain Areas Prohibited.~~

- ~~(1) — Except as provided in subsection (2) of this section, no dog owner shall permit a dog to be on Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.~~
- ~~(2) — The prohibition of subsection (1) of this section does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.]~~

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this
____ day of _____, 2011

Approved by the Mayor this
____ day of _____, 2011

City Recorder

Mayor