

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



---

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

---

Meeting Date: November 14, 2011  
Department: Eugene Police  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Lieutenant Doug Mozan  
Contact Telephone Number: 541-682-5164

---

### ISSUE STATEMENT

In 1996, the City Council adopted a prohibition on dogs in the business district around the intersection of East 13<sup>th</sup> Avenue and Alder Street. Councilor 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. September 19, 2011, a public hearing was held to consider an ordinance concerning dogs on Alder and 13<sup>th</sup> Streets. 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 13<sup>th</sup> Avenue. The area where dogs are banned was expanded in November 1996 in Ordinance 20071, and currently includes Alder between East 12<sup>th</sup> and East 14<sup>th</sup> Avenue, and East 13<sup>th</sup> Avenue between Pearl and Kincaid Streets. At the initial public hearing on August 5, 1996, 42 people spoke 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 their meeting on August 7, and adopted the ban on August 12, 1996. A public hearing was held on September 19, 2011, and seven people spoke. 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 congregated at the East 13<sup>th</sup> Avenue corridor because of the favorable conditions for pan-handling, and drug sales and use. Many of these people 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 the people congregating in the corridor.

At the hearing on September 19, seven people spoke. Six people spoke in favor of retaining the ban on dogs, and one person spoke in favor of lifting a ban on skateboards in this area.

An absence of reported dog problems in the East 13<sup>th</sup> Avenue corridor has been noted since the ban was implemented. When the occasional student or business owner transits the area with a dog, they are reminded of the ban by police, 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 people 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**

A Safe Community - A community where all people are safe, valued and welcome.

### **COUNCIL OPTIONS**

- 1) The City Council can vote to approve the ordinance, lifting the ban, or
- 2) The City Council can vote to not approve the ordinance, leaving the ban in place, or
- 3) The City Council can vote to amend the ordinance, changing the scope of the ban.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council vote to not approve the ordinance (option 2 above), based on the comments received in support of the ban at the September 19 hearing as well as the recommendation from the Police Department.

### **SUGGESTED MOTION**

No motion is suggested; the recommendation is to not approve the proposed ordinance.

### **ATTACHMENTS**

- A. Proposed Ordinance

### **FOR MORE INFORMATION**

Staff Contact: Carter Hawley, Eugene Police Department  
Telephone: 541-682-5852  
Staff E-Mail: [carter.r.hawley@ci.eugene.or.us](mailto:carter.r.hawley@ci.eugene.or.us)

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