



APPROVED: December 7, 2011,  
by the Albany City Council

**DANGEROUS DOG ORDINANCE WORK GROUP**  
**City Hall, Municipal Court Room**  
**Tuesday, November 1, 2011**

**MINUTES**

Members present: Mark Azevedo, Floyd Collins, Max Frederick, Larry Holverson, Sharon Konopa, Dick Olsen  
Staff present: Jim Delapoer, City Attorney; Casey Dorland, Police Lieutenant; Marilyn Smith, Management Assistant/Public Information Officer

Mayor Konopa called the meeting to order at 5:37 p.m.

**APPROVAL OF MINUTES**

October 17, 2011

MOTION: Holverson moved to approve the minutes as written; Olsen seconded. Minutes were approved.

**SCHEDULED BUSINESS**

Review of October 17 Revisions to AMC 6.18, Dangerous Dogs

Smith explained changes made from the last meeting were limited to a trainer's qualifications and relocating a dangerous dog from another community. Delapoer explained that standards that apply to a dog that is judged dangerous in other communities may differ from those in Albany. Holverson asked if we should include the same language that requires retraining. Delapoer said that a dog owner should get their dog's dangerous classification lifted in the original jurisdiction. Frederick said that we won't know if someone has relocated such a dog here unless it runs into the police. Delapoer said that this section of the ordinance is largely unenforceable. It's not really going to protect the public, but we don't have any such protection now.

Holverson asked why 6.18.040(9) doesn't say "potentially dangerous or dangerous?" He thought we were always talking about both, and this is the first time he's seen "dangerous" eliminated. Olsen and others pointed out that .040 deals only with potentially dangerous dogs while .050 deals only with dangerous dogs. Holverson pointed out a suffix missing from a word in (9). Smith will correct it.

Olsen asked about the requirement of paying a fee for having a potentially dangerous dog. Delapoer said that if the dog is no longer potentially dangerous, the owner wouldn't need to pay a fee.

Holverson said that he just wanted to make sure for our own dogs that we still had another course for dangerous and potentially dangerous dogs.

Konopa asked if anyone else had questions to ask or changes to propose. Dorland asked about language regarding having a dog under control to be included where the ordinance addresses taking a potentially dangerous dog off property for walks, the need for a muzzle, etc. Current language says a person has to be in control of the dog but the revisions didn't include that language for dangerous dogs off property. He is concerned that the person doing the walking needs to be able to control the dog. He said that a German shepherd took down one of the Community Service Officers last weekend; the person who had the dog couldn't control it, and it took two people to get it off the officer. He believes the control person should be of the stature to be able to control the dog. He wants to set a reasonable standard. Delapoer asked how a

prosecutor could judge in advance whether the 90-pound woman has control of a 100-pound dog, for example. In order to prove a criminal violation, the prosecutor has to be able to show intent. The City's leash law requires that the person has the dog under control. The group agreed that the language in the leash law is sufficient.

Holverson said that he had one other item: 6.18.030(2) "The Director encouraged to share information with victim." He asked why that was in there. Delapoer said that mandatory language creates a risk of it being the basis of a challenge. Frederick said the victim doesn't have a say. Delapoer said that the victim doesn't have a property right that must be protected under the law. The owner has the property right.

Konopa said that the work group needs to move the ordinance forward for recommendation to the City Council. The Council will review it Monday at the work session with staff going through it and highlighting the main changes. Council will be asked to adopt it on November 9.

MOTION: Frederick moved to send the revised ordinance to the City Council; Azevedo seconded. Holverson said that he wants it on record that he is not overwhelmed by the document. As far as supporting it, he said that in many ways we went backwards from the original ordinance but the main objective was to have some language that gave the Hearings Officer other choices besides death or returning the dog back to the owner. He said that he will vote to support it just for that language alone. Konopa said that any ordinance can be amended if we find it's not working. This one includes a lot of changes that give another alternative, but it can always be improved. Collins said that in addition to adding alternatives for dangerous dogs, the revisions include options for potentially dangerous dogs to get out of that classification. The new ordinance protects the public while giving due process to the animal.

Holverson asked why, if the dog is deemed dangerous, you don't have the option to remove the classification. Frederick and Collins said that for a dangerous dog, the ordinance provides more options than just euthanasia.

The motion passed 6-0.

Konopa said that it would be great if members could be at Monday's meeting. Collins said that he is not sure how the balance of the Council will support it. It still may have a tough time getting to a vote. Holverson said that he thinks this document would be something everyone on the Council can support. He asked if there might be a power play on the Council rather than what's good for the community. Collins said that he doesn't think it's a power play at all. Konopa said that many people still feel the dog should have been put down. Holverson said that Lt. Dorland would feel this greatly enhances the Police Department's position. People's relationship with their pets is unbelievable.

Konopa told a story about how she once dealt with a pet rabbit that bit her.

#### BUSINESS FROM THE WORK GROUP

None.

#### NEXT MEETING DATE

None; work group disbanded.

#### ADJOURNMENT

The meeting adjourned at 6:11 p.m.

Respectfully submitted,



Marilyn Smith  
Management Assistant/Public Information Officer