

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: April 24, 2012 **Approx Start Time:** 1:30pm

Approx Length: 30 minutes

Presentation Title: Proposed Amendments to Title 5 Animal Code of Clackamas County Code

Department: Department of Transportation & Development / Dog Services

Presenters: Cam Gilmour, Diana Hallmark, Scott Ciecko

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Approval to advance proposed amendments to Title 5 Animal Code to a future Business Meeting for final action by the Board of Commissioners.

EXECUTIVE SUMMARY:

Clackamas County Dog Services proposes the following amendments to the Title 5 Animal Code:

- 1) **Add a requirement that a person must be at least 18 years of age in order to purchase a dog license.**
Our enforcement options are greatly restricted when involving people under the age of 18. This has created unfortunate situations when we have been unable to enforce licensing renewal requirements, minimum care standards and nuisance standards. Additionally, there have been a handful of cases when a minor living in the family home has claimed ownership and licensed a dog, the parent has determined the dog must live elsewhere or has surrendered the dog back to the shelter, and the minor has reclaimed the dog and returned it to the residence. Because of the under-age status of the person who licensed the dog, Dog Services was unable to prevent the difficult situation.
- 2) **Add a requirement that all dogs must be licensed by no later than six months of age or when they have their permanent canine teeth, whichever comes first.**
This amendment would mean that our Title 5 requirements are the same as those in state statute.
- 3) **Repeal the limitation on the number of dogs that can be owned on a particular property, and the related violation.**
Currently our code limits the number of dogs that can be owned based on the size of the owner's property. Unfortunately, there is little to no ability for us to accurately assess how many dogs are on a particular property unless the owner is cooperative. We have found it more effective and more meaningful to address issues of ownership based on the ability to provide for dogs in compliance with minimum care standards, regardless of the number of dogs. There are some dog owners that provide an appropriate level of

care for large numbers of dogs and others that have difficulty providing appropriate care for a single dog.

- 4) **Clarify that an error in transcribing information into a citation that is, in the judgment of the Hearings Office, non-prejudicial shall not be grounds for setting aside the citation.**

This amendment provides that a simple administrative error in transcribing information into a citation will not cause the citation to be set aside.

- 5) **Repeal penalty language related to the continuous annoyance code that was repealed in 2010.**

Title 5 Animal Code was amended in 2010 to eliminate continuous annoyance as a violation. This action is to repeal the related penalty language.

- 6) **Add a requirement that all veterinarians doing business in Clackamas County report to Dog Services within 30 days all rabies vaccinations administered to dogs and information on purchase of a dog license.**

All dogs in Oregon are required by State Statute to have a current rabies vaccination administered by a licensed veterinarian. All dogs over the age of six months and/or dogs with permanent canine teeth are required to have a dog license. Requiring veterinarians to provide this information to Dog Services enables us to be more efficient and effective in the enforcement of dog licensing. This information also would be valuable in emergencies and to determine the vaccination status of impounded dogs with identification.

Clackamas County reimburses veterinarians that sell dog licenses \$1.50 per license for additional paper/receipt work. Currently veterinarians are required to provide the dog owner with two copies of the vaccination certificate; one for the owner's records and one for the owner to give to the licensing agency (in this case, Clackamas County Dog Services). This proposal would just require that the veterinarian send (by mail or email) the second copy of the rabies vaccination certificate directly to Dog Services and would relieve citizens of the responsibility (and perhaps inconvenience) of sending in the certificate themselves. Veterinarians who sell dog licenses directly can provide us, as they currently do, a copy of the sales receipt.

Dog Services conducted a short survey of 20 practicing veterinarians at 19 clinics. Of those surveyed, nine indicated they were either unconcerned or supportive of the proposal, nine were not in support and two did not respond. Of those not in support, the primary concerns were:

- a) might dissuade clients from vaccinating or vaccinate in our area,
- b) government interference,
- c) could interfere with client/veterinary trust relationships
- d) potential additional cost

In speaking with representatives of Multnomah County Animal Services and several veterinarians that also serve clients in Multnomah County, it does not appear this requirement has resulted in a decline in the number of canine rabies vaccinations. In fact, arguably there has been an increase of up to 133% based on the increased licensing compliance.

Additionally, this provision would make strides towards placing a greater portion of the burden for the cost of dog services on the dog owner, thereby reducing the cost of dog services to non-dog owners in our community.

7) **Return Continuous Annoyance language to Title 5**

There has been discussion about the ability and desire to return language to Title 5 Animal Code relative to continuous annoyance enforcement. In 2010 this particular violation was repealed.

Currently, Clackamas County Dog Services has two Field Response Officers. In 2004, the Board of County Commissioners approved a system for priority responses, due to the limited resources available. At that time, the Board ordered Continuous Annoyance as number 17 of 17 for response priority. Clackamas County employed three full-time Field Response Dog Officers, at that time.

Dog Services currently opens an average of between 1700 and 1800 complaints annually for response. Historically, continuous annoyance complaints added between 300-400 complaints annually. Many complaints were able to be resolved through the use of educational mailings and Community Solutions provision of neighbor mediations; however, approximately 100-200 complaints annually were not resolved through these programs and would queue for an Officer response.

Due to resource limitations, very few of the remaining complaints were able to be serviced.

Continuous Annoyance is a challenging discussion and we would recommend the opportunity to conduct additional research to determine what viable options might be available for some level of enforcement.

FINANCIAL IMPLICATIONS:

There is no anticipated financial implication for 2011-12 for any of the recommended amendments. Beginning in 2012-13:

- Items 1, 3, 4 and 5 are anticipated to have no financial impact.
- Item 2 is anticipated to have no financial impact, but will permit the reallocation of enforcement resources to higher priority situations.
- Item 6 is anticipated to increase licensing revenues to Dog Services by up to 50% in the first full year of implementation and approximately 10% more per year after that (based on data from Multnomah County Animal Services). The only anticipated financial impact to veterinarians is the cost of postage if they choose to mail vaccination certifications.
- Item 7, should continuous annoyance language be returned to Title 5 Code, could have substantial impact, depending on the priority and expectation for response from Dog Officers assigned by the Board.

LEGAL/POLICY REQUIREMENTS:

None of the proposed amendments are in response to statutory or legal requirements. Item 1 clarifies that an individual purchasing a dog license must be at least 18 years of age, which

ensures that owners of dogs in Clackamas County must be of legal adult age. Item 2 would result in County Code conforming to State Statute.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Dog Services would notify veterinarians of the new requirements by letter.

OPTIONS:

Items 1, 2, 4, 5 and 6 – Accept or deny

Item 3 – Repeal the limitation on the number of dogs that can be owned.

Options include:

- a) Retain the numbers limitations
- b) Adopt the proposed amendment
- c) Adopt a different numbers limitation.

Item 7 – Return Continuous Annoyance Language and violation

- a) Accept,
- b) Deny
- c) Approve for additional research to determine if other viable options are available.

RECOMMENDATION:

Clackamas County Dog Services recommends the Board of Commissioners approve these amendments be brought forward to public hearing and action by the Commission.

SUBMITTED BY:

Division Director/Head Approval 
Department Director/Head Approval 
County Administrator Approval _____

For information on this issue or copies of attachments, please contact
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