

Policy Committee Code Recommendations

Sec. 10-34 Adoption

FINDINGS: In an effort to return more stray animals to their owners, microchipping has proven effective. There is no requirement to do so in our code.

RECOMMENDATIONS: sec. 10-34(b) change the last sentence to read: ... all or part of the costs associated with neutering or spaying **and microchipping** dogs and cats. And also, 10-34(c) change the first sentence to read: Any person adopting an intact animal shall cause to have the animal spayed or neutered (sterilized) **and microchipped**... This would ensure that all animals that are adopted have the best chance of being reunited with their owners should they become separated at minimal cost.

Sec 10-36 Humane Disposition

FINDINGS: It is the perception of this committee that some animals are euthanized when they could be offered to rescue groups.

RECOMMENDATIONS: In order to help achieve our stated goal of reducing euthanasia, Sec. 10-36(a) should be amended to: ... *It shall be the duty of the animal control department to offer the animal to a recognized animal rescue group or groups before any steps to euthanize said animal are considered. Only after a period of five (5) days after the initial adoption period and after any interested rescue group is given three (3) days to retrieve said animal shall euthanasia be considered.*

Re: Sec. 10-51b

Duty of animal owners to be responsible owners.

AKA: Noisy Animals

FINDINGS: The most vocal complaints we hear about animals, animal control and quality of life are about barking dogs. The requirement of the complainant obtaining a second sworn statement is the most often cited issue. Resolution becomes an additional burden on the harmed party. In researching other ordinances (DeKalb, Boulder CO. etc.) we find two differences from our current law.

- 1) Other ordinances do not require a sworn statement by a second party.
- 2) The Animal Control Officer can be a witness to validate a complaint.

RECOMMENDATIONS: Several areas of this portion of the code require revision.

- 1.) Sec. 10-51(b)1: The word "intruder" should be defined as: *a person or domestic animal who intrudes (especially into a building or property with criminal intent)*. As is, intruder could be argued to be wild animals, the neighbor's pet or family in their own back yard. The definition should be narrowed to include only humans and domestic animals who do not belong on the property. This section should not exempt noisy animals and their owners from sanctions for wild animals (ie: squirrels) that may go in to their yard. It should, however, allow for exceptions when the animals coming in the yard would

Policy Committee Code Recommendations

normally be required to be under restraint. As is, the word “intruder” could be argued to be a wild animal and would therefore exempt the noise from the time limits of 10-51(b).

- 2.) Sec. 10-51(b)2: Officers enforcing this subsection should be allowed to be witnesses if they observe the behavior during their investigation.
- 3.) Sec. 10-51(b)4: This section should be re-worded similar to as follows: *If the disturbance is not resolved within ten days and the animal control unit receives a second complaint from the original complainant, he or she will be asked to provide a sworn statement and either a) a sworn statement regarding the disturbance from another individual not residing at the initial complainant's address but within a reasonable distance to the disturbance or b) dated video or other evidence related to the disturbance. If the second complaint comes from another individual or if the Animal Control Officer witnesses the disturbance, the above shall not be required. Upon completion of the above requirements, the animal control unit SHALL issue a citation.*
- 4.) Sec. 10-51(b)5: This section should be re-worded to include conditions required in 10-51(b)4).
- 5.) Sec. 10-51(b)6: This section should be re-worded similar to as follows: *The original complaint shall remain on file and accessible to Officers in the field for a period of one (1) year after which time the complaint shall expire and the process shall begin again. Complaints with second or more complaints shall remain on file for two (2) years. This will allow for more effective follow up on repeat violations.*
- 6.) Sec. 10-51(b)7: This section should be re-worded similar to as follows: *Any person violating any provision of Sec 10-51(b) shall, upon conviction, be punished according to the following: FIRST OFFENSE: A cease and desist order shall be issued. SECOND OFFENSE: A fine not to exceed \$1000.00 AND completion of a mandatory “owner responsibility” course to be authorized by the animal control unit and administered by a qualified animal behaviorist or trainer (an example of a possible curriculum can be found in appendix A, from the Canby OR police dept.).*

Section 10-29

FINDINGS: It is difficult for officers to enforce the anti-tethering portion of our code as it is written. Unless the officer is able to observe the animal that is tethered for a period of one hour, they would be unable to reliably cite the owner for the offense.

RECOMMENDATION: Sec. 10-29(c)1) should be re-worded similar to as follows: *The owner or adult custodian of the animal must be outside with the animal and the animal must be visible to the owner, except that an animal may be tethered outdoors unattended but still under the supervision of the owner for not more than one hour in any 24 -hour period. No animal may be tethered unattended between the hours of 10:00 PM and 6:00 AM.;* This would allow the officer to establish that the animal was illegally tethered more easily.

Policy Committee Code Recommendations

FINDING: It is generally accepted that one goal of the Animal Welfare/ Enforcement Dept. is to provide for the welfare of all animals in the community. It is also generally accepted that, except in certain circumstances, it is in the best interest of domestic animals to be spayed or neutered. Many stray animals arrive at the shelter intact. Owners are currently allowed to re-claim their animals without having to alter them, thus endangering the welfare of other animals if that re-claimed animal again becomes loose.

RECOMMENDATION: Sec. 10-29(f) should have the following penalties added: *For any animal impounded and found to be intact, FIRST OFFENSE: the owner shall be assessed a fine of \$1000 or offered a low cost option to spay or neuter the animal. The fine will be waived if the owner opts to have the animal altered. SECOND OFFENSE: mandatory spay or neuter and \$1000 fine. The fine for the second offense will be assessed whether to owner re-claims the animal or not.* This will encourage the owner to provide the many health and behavioral benefits of spay/neuter to their pets.

Areas Not Currently Addressed in our Code

FINDINGS: Casual, uneducated breeding of animals needs to be discouraged. Many of these litters are unintended or counter to acceptable breeding practices. Owners should always be encouraged to Spay or Neuter their animals. If not, many unwanted litters either end up at the shelter or are abandoned. In addition, many times, these litters are sold in violation of Georgia Dept of Agriculture Rules. Another consideration is that these sales rarely collect sales tax.

RECOMMENDATION: SOP 1-5 states that a service currently provided by our Animal Welfare/Enforcement Department is that of “Enforcement of State and Federal laws pertaining to wildlife, animal protection and animal welfare. All officers should be made aware of Dept of Agriculture Rules regarding animal protection. Chapter 40-13-13-.01 defines a “Foster Home” as a place that provides temporary shelter to animals and is under written contract with a licensed shelter. “Breeding Establishment” is a place where pets are bred or compensation is received for breeding. A “Pet Dealer” is a person who sells animals (all definitions are paraphrased). All require either a license from the Dept of Ag or an established relationship with someone who does. Anyone who has a litter and claims they are “fostering” should be able to demonstrate a relationship with a shelter. Anyone who is selling an animal, should be able to provide their “Pet Dealer” license upon request (the minimum threshold for such license is \$1 in sales). There are provisions for fines established by the Dept of Ag, but we would recommend adopting code similar to as follows: *Any advertisement (of any kind, to include, but not limited to: newspaper, internet, sign or bulletin board posting) for an animal for sale shall include the individual's Georgia Department of Agriculture Pet Dealer license number. The penalty for violations of the above would be FIRST OFFENSE: fine of not more than \$1000; SECOND OFFENSE: fine of not more than \$5000 and/or imprisonment of not more than 90 days. This is in addition to any penalties the State may assess.* This would give our officers the enforcement opportunity to help curtail backyard breeding and other nefarious activities associated with casual breeding of animals. It would also help collect sales taxes on transactions that would not usually be

Policy Committee
Code Recommendations

forthcoming.

Appendix A
Canby Police Department, Canby, OR
http://www.canbypolice.com/barking_page.asp

Barking Dogs

Unreasonable Annoyance, Alarm or Noise Disturbance:

Any barking, howling, whining, snarling, etc. which goes on for longer than 5 minutes without stopping or 20 minutes intermittently.

Penalties and Fines:

You may be cited to appear in court and fined up to \$500.00 per violation. The judge may also order your dog to be removed from the City of Canby for chronic violations.

Why Dogs Bark:

Boredom -- being chained all day and/or night in the same location without human interaction or stimulating toys may cause the dog to entertain itself (by barking).

Fear or apprehension -- Remember, dogs think like dogs, not people. Just because it is a beautiful, sunny spring day, a dog that is always left inside when you leave for work will not understand it's supposed to be HAPPY you left it outside in the sunshine all by itself!

Loneliness - Not enough quality time with its humans may

Policy Committee Code Recommendations

cause excessive barking, because sooner or later somebody's going to come out even if it is only to tell the dog to be quiet. When a dog is lonely sometimes, to them, negative contact is better than no contact at all.

Protectiveness -- Dogs, which are left outside all the time, may become hypersensitive to anything and everything, which moves and become over protective of "their" property. The problem being, that the longer the dog is left out the wider his "territory" becomes. First the boundary is his fence, than the sidewalk, the street, and the field across the street...

Training -- Lack of obedience training.

Overexcitement-- The dog barks excessively during play.

Owner Absence - The dog is left out without anyone home to correct inappropriate barking.

Why Excessive Barking Should Be Taken Seriously:

First and foremost is that a dog is the best alarm system a home can have, but when a dog engages in excessive barking it stands a greater chance of being ignored if there really is an intruder. Instead of the neighbors calling the police because their neighbor's dog is clearly upset about something they just think "that *&^# dog is barking again!" And yes, the Police Department does receive calls from concerned citizens

Policy Committee Code Recommendations

requesting a premise check or welfare check for their neighbor's property because "their dog has been barking for an hour and it never barks, we worried something is wrong".

Because non-stop barking, howling or whining is extremely agitating even to other dog owners and may result in fines and your dog being ordered removed from the City of Canby.

Your pet could be tangled in its chain, trapped or injured, but if it howls constantly anyway, the neighbors may ignore it. Many dogs have been rescued because they were able to alert a neighbor they were in trouble by vocalizing. Don't let your dog "Cry wolf".

It may be a symptom of another problem...boredom, loneliness, illness/injury, or even separation anxiety.

Signs of Problem Barking:

Notes from the neighbors on your door stating that the dog is barking.

Your dog immediately begins to bark if it hears another dog barking.

Your dog barks at the neighbors when they are using their back yard, patio, or deck.

When neighborhood children are playing.

When you come and go.

If your dog will not immediately stop barking upon command when the mail carrier, UPS driver or other person comes to the door.

If your dog barks at everyone who walks past the yard on the street or sidewalk.

Policy Committee
Code Recommendations

Your dog barks, howls or cries persistently if it cannot see you.

Dos and Don' ts For Dog Owners:

Do take your dog to obedience school.

Do properly socialize your dog.

Do make sure that the dog knows its place in its human pack (Hint:

the dog should NOT be in charge)

Do make sure your dog has sufficient toys, shelter and water when

left out all day (or night).

Do try to keep your dog in the house as much as possible.

Do take neighbors' complaints or comments about your dog' s barking

seriously...people do not make this stuff up!

Do teach your dog it is not appropriate to bark during play.

Do be consistent in your "No Bark!" training. If you use a bark training

Policy Committee Code Recommendations

collar; make sure the batteries are always fully charged.

Do correct the barking immediately...If you correct the dog after the

barking has stopped you will confuse it.

Do feed a dog which will be left out all night as late as possible so it

will feel drowsy and may sleep longer through the night.

Do Not allow your dog to bark at neighbors.

Do Not leave your dog out in a situation where there is no one to

correct inappropriate barking.

Do Not train your dog to bark to be let back in the house...Many

barking complaints occur because the dog owner leaves,

and the dog will continue to bark to be let back in the house

until somebody gets home!

Policy Committee Code Recommendations

Do Not tie or kennel the dog next to a busy street or where it may

feel the need to be constantly “on guard” .
Instead place the

dog where neighbors, traffic, and passerbys will not bother it.

Do Not permit your dog to bark at wildlife. A dog that barks up the

tree at every raccoon, squirrel or bird that crosses its yard

will NOT endear itself to your neighbors.

Do Not chase the dog in an effort to get it to stop barking...The dog

will think you are playing and it will only reinforce the

undesired behavior.

Do Not use treats or food as a means to quiet the dog. You will be

training it that if it barks a lot it will get treats.

Do Not leave your dog out in severely inclimate

Policy Committee
Code Recommendations

weather.

Dos and Don'ts for Reporting Barking Dogs:

Do know the address where the barking dog is. An area check for a

dog "somewhere behind my house" is probably not going to have

results.

Do leave your name and information with dispatch...If the officer

doesn't hear the dog, without a witness, the complaint is going

no where!

Do be able to visibly confirm which dog is barking. If you sign

complaints on a dog, which was, for example, away in a boarding

kennel during the time of the complaint, you will lose credibility

as a witness.

Do try to communicate the problem to your neighbors

Policy Committee Code Recommendations

before calling

police.

Do Not call in an “anonymous” complaint.

Do Not guess at the address or house.

Do Not cause the dog to bark.

Untrainable Dog?

A dog that is chained up or left alone and is allowed to bark hour after hour may no longer be trainable. The same is true for a dog that has been mistreated. Such a dog may have become too neurotic for an inexperienced trainer. If this is the case with your dog, consult your veterinarian, a qualified dog trainer or dog behaviorist.

It has long been my experience that few dogs are truly “un-trainable”. The problem is that to un-train an undesired behavior, the dog OWNER must change whatever pattern of THEIR behavior caused the dog to bark excessively in the first place. It’s not as difficult to train a dog (if you are consistent and clear), as it is to get the dog owner to change their behavior or modify their routine or schedule.

FAQs:

**Policy Committee
Code Recommendations**

Q: Can I be in violation of the barking law if my dog is in the house or garage?

A: Yes. If the windows are open, if the garage door is up, or the dog is loud enough or shrill enough to be heard beyond the boundaries of your property, then you are in violation.

Q: Don't all dogs bark?

A: Yes. It is how dogs express themselves. It will become a problem though if they are not taught when barking is appropriate.

Q: My neighbor complains that my dog barks whenever they are in their backyard...Don't I want my dog to protect my property?

A: Yes, we all hope our dog will protect us from intruders, but your neighbors working in their own backyard are NOT intruders and your dog should not be barking at them. Nor should your dog bark at anyone who doesn't actually enter onto your property.

Q: I never hear my dog bark, and my neighbor hates

Policy Committee Code Recommendations

dogs. How do I know there is really a problem?

A: First of all, most barking problems occur when the dog owner is not home. It is the absence of the dog owner that usually facilitates the inappropriate barking. Secondly, people rarely make up barking problems. On the other hand, it is not uncommon for someone to try to live with the problem and become so frustrated and angry that they may become very sensitive to barking. When someone calls for the first time, the thing I hear the most is “it’s been going on for months, and I tried to be a good neighbor and ignore it, but I just can’t stand it any more.” People usually feel silly about contacting us about barking issues, so you can be assured that if the complaint was made it is most likely factual.

How to Stop Nuisance Barking:

Contact a qualified trainer, or to discuss training methods to stop nuisance barking contact Clackamas County Animal Control.

Thoughts on Barking:

Everyone who lives in the City of Canby has the right and expectation to be able to use their back yards, work in their gardens, enjoy a summer evening on their deck, or sleep peacefully through the night. No individual should have to worry about whether they will be able to sleep or enjoy their

Policy Committee Code Recommendations

home because of a neighbor' s dog.

If you know that your dog has a tendency to bark at a neighbor, charge the fence, or engage in other inappropriate noise behaviors, FIX IT! There are plenty of suggestions, training aids and options available to dog owners today.

The best way to ensure success in the effort to curb inappropriate barking is to have the support of your neighbors. So if someone comes to you with a barking complaint, or leaves a note on your door, get in touch with your neighbors...show you are taking the complaints seriously and want to fix the problem. If you don' t know where to start, or how you and your neighbors can best join efforts, contact a qualified trainer, or your friendly, local animal control officer, and she will be glad to sit down with you and come up with a plan.

If you are rude, contradictory, or just plan in denial when a neighbor tries to make contact about a problem with your dog, you can bet that their next complaint is going to be made to the Police Department. Be open, be receptive, and remember that inappropriate barking usually occurs when the dog owner is not home...so you really have no idea what' s going on when you are gone!

On the flip side of that, for all you neighbors of barking dogs, the one most common thing I hear from dog owners contacted about barking is "we had no idea...why didn' t our neighbors say something?" So give it a try, and

Policy Committee Code Recommendations

be honest with them. If a neighbor comes to your door and asks if their dog barks frequently or bothers you, BE HONEST! Say yes, and then try to work with them to fix the problem. If you do not communicate, you cannot expect results.

A very effective tool to help your neighbor understand when and why their dog is barking is to keep a log. If they can figure out the “why” the easier it will be to stop the inappropriate barking or howling. So note the day, time and duration so they have a point of reference.

Also taping and videotaping can be very effective. Many dog owners have never heard their dog bark for 30 minutes or an hour, or even several hours, because the dog does not engage in that behavior while they are home. They simply have no concept of what it is like to have to listen to that type of noise nuisance. Simply record the date and the start time, set the recorder out where it will pick up the dog and let it roll. Be sure, though that you are not causing the dog to bark...i.e. leaning over the fence to get the video. It may also prove helpful for those who are sure it is the dog next to them, behind them, or up the street, because their dog would never bark. Dogs have fairly distinct barks, and if you cannot see the dog, being able to confirm the bark sometimes helps a dog owner get past the denial.

Policy Committee SOP recommendations

FINDING: The current hours for adoption are too restrictive to allow for easy adoption for most families.

RECOMMENDATION: Adjust hours for adoption to a more customer friendly schedule. Our stated goal of increasing adoptions will require that we be open when people can come to the shelter. At least two weeknight evenings should initially be used. The goal would then be to open on other nights also. These sessions would not have “full service” in that they would be for adoptions only. Turn ins and Reclaims would still have to come during regular business hours. This would allow for a more limited staff. All employees and management should be made aware that a strong emphasis on adoptions is required and in order to accomplish this they will have to adjust to a schedule that maximizes this.

FINDING: There may be instances where a Road Officer may not be trained in a specific situation and have to call in a second officer as back up. This could have the effect of reducing the number of officers on the road.

RECOMMENDATION: All officers should be cross trained in all aspects of animal control. If this is accomplished, management can choose from many options to send any backup necessary. This would allow both quicker response and easier staff adjustments in the event of an emergency.

FINDING: It is often difficult to tell the difference between a scared animal and a vicious or feral animal. We do not want to euthanize animals that could be adopted.

RECOMMENDATION: All officers should receive training in basic animal behavior. With this training, officers would have training and tools to make difficult decisions with confidence and accuracy. There would be less incidents of both unnecessary euthanasia of scared animals and adoption of vicious or feral animals.