

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 550

An Ordinance amending M.C.C. 8.10.275 (classification of potentially dangerous dogs) by repealing provisions for appeals to the Board of County Commissioners of decisions by the Hearings Officer, and declaring an emergency.

Multnomah County ordains as follows:

SECTION I. FINDINGS.

- A. M.C.C. Chapter 8.10 was amended by Ordinance No. 517 to establish a system for classifying and restricting potentially dangerous dogs based on exhibited behavior.
- B. Ordinance No. 517 authorized the Director of the Department of Environmental Services or the Director's designee to classify dogs as potentially dangerous. The ordinance provided for appeal of the Director's decision to a Hearings Officer and for further appeal to the Board of County Commissioners.
- C. The two-tier system of appeals established by Ordinance No. 517 is cumbersome and overly time-consuming. The public interest will best be served by a single appeal to the Hearings Officer, who should be authorized to make final decisions after fully considering the facts of each case.

SECTION II. AMENDMENT.

Except as provided in Section II, subsection B of this ordinance, M.C.C. 8.10.275(C) is amended to read:

(C) The Hearings Officer shall hold a public hearing on any appeal from the director's decision to classify a dog as potentially dangerous. The owner shall be mailed written notice of the appeal hearing no less than seven (7) days prior to the hearing. The owner and any other persons having relevant evidence concerning the dog's behavior as specified in M.C.C. 8.10.270 shall be allowed to present

testimony and documentary evidence at the hearing. The Hearings Officer shall issue a[n] written order containing findings of fact addressing the elements in M.C.C. 8.10.270. The order shall state what, if any, level of classification has been applied and shall impose the applicable restriction under this code. The order shall be signed and dated by the Hearings Officer and shall be mailed to the last-known address of the owner and any person who gave testimony at the appeal hearing. The order shall be final on the date of mailing. [containing his or her determination, which shall be final unless the owner files a written request for a hearing before the Board with the director within ten days of the date the Hearing's Officer's order was issued.]

SECTION III.

- A. Except as provided in subsection B of this section, M.C.C. 8.10.275 (D) is repealed.
- B. The right to appeal a Hearings Officer's decision to the Board shall be preserved as to any decision of the Hearings Officer made on or before the date this ordinance is effective. Such appeals shall be conducted in accord with M.C.C. 8.10.275 and the rules of procedure adopted by the Board.

SECTION IV. EMERGENCY CLAUSE.

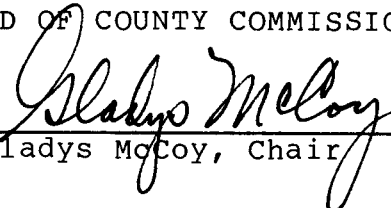
This Ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon the day of its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 26th day of March, 1987, being the date of its 1st reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS

(SEAL)

BY


Gladys McCoy, Chair

APPROVED AS TO FORM:


LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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