

AGENDA BILL

Beaverton City Council
Beaverton, Oregon


SUBJECT: An Ordinance Relating to Nuisance Animals and Amending Beaverton Code Section 5.05.037

FOR AGENDA OF: 10/14/02 **BILL NO:** 02298

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Mayor's Office

DATE SUBMITTED: _____

CLEARANCES: City Attorney 

PROCEEDING: First Reading

EXHIBITS:

- 1) An Ordinance Relating to Nuisance Animals and Amending Beaverton Code Section 5.05.037
- 2) Petitions from residents of Marjorie Lane

BUDGET IMPACT

EXPENDITURE REQUIRED \$ 0	AMOUNT BUDGETED \$ 0	APPROPRIATION REQUIRED \$ 0
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HISTORICAL PERSPECTIVE:

On August 24, 2002, five Beaverton Police Officers responded to investigate a report of a live five-foot alligator in the front yard of a residence in Beaverton on Marjorie Lane. They captured the animal and subsequently identified the owner as another Beaverton resident. Since that time, residents of this same neighborhood have been told that the alligator owner also owns large snakes, including a boa constrictor and a python. A review of the Beaverton Code revealed that although the ownership of crocodiles is prohibited, there is no prohibition against alligators or large snakes. On September 20, 2002, a representative of several of the residents on Marjorie Lane contacted the Mayor's Office to request a code amendment to make the keeping of alligators and large snakes illegal in Beaverton. On September 26, the city received ten petitions from these residents requesting that alligators be outlawed.

A review of the legislative history for the current code revealed that alligators were deliberately omitted from the definition of "Dangerous Animals" due to testimony that alligators are not a threat to human safety. However, on September 25, 2002, the Oregonian reported a story out of Florida where an 11-foot alligator bit off a man's forearm. This appears to refute the previous assertions that alligators are not a threat to human safety.

After review of the Beaverton Code and after discussions with the City Attorney's Office, staff has drafted the proposed ordinance for the benefit of all residents of Beaverton. The proposed ordinance will expand the definition of a "dangerous animal" to include alligators, caimans (animals closely related to alligators), pythons and boa constrictors -- animals not previously outlawed.

INFORMATION FOR CONSIDERATION:

Pet stores in Beaverton may have an economic interest in this ordinance, so the Code Services Manager has contacted all Beaverton pet stores listed in the local phone book to see if they sell alligators, caimans, pythons or boa constrictors. None sell alligators, caimans or boa constrictors, but two stores sell small pythons. According to the pet stores, certain species of python only grow to five feet or less in length and are not considered a threat to human life, so the proposed ordinance only prohibits species that can grow to eight feet or more in length – so-called “large” pythons. All of these stores have been notified of this proposed ordinance and the date and time of its first reading.

RECOMMENDED ACTION:

First Reading.

ORDINANCE NO. 4229

AN ORDINANCE RELATING TO NUISANCE ANIMALS
AND AMENDING BEAVERTON CODE SECTION 5.05.037

Whereas, ORS 609.205 authorizes cities to prohibit by ordinance the keeping of wild and exotic animals; and

Whereas, the Beaverton Code currently prohibits the keeping of certain types of wild, exotic and dangerous animals, but not all dangerous animals, including alligators or caiman; venomous reptiles; or snakes of the family *Pythonidae* or *Boinae*; and

Whereas, amending the Beaverton Code to prohibit the keeping of all types of dangerous animals is likely to enhance public safety and security, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Beaverton Code section 5.05.037, Definitions, is amended to read as follows:

5.05.037 Definitions. As used in BC 5.05.037 to 5.05.043, the following definitions apply:

Dangerous Animal - Any non-human animal that is of a wild or predatory nature and constitutes an unreasonable danger to human life or property. A dangerous animal includes, but is not limited to, snakes of the family *Pythonidae* or *Boinae*, unless incapable of growing to eight feet or more in length; any alligator, crocodile or caiman; and any poisonous or venomous reptile.

Exotic Animal - Lion, tiger, leopard, cheetah, ocelot, or any other cat not indigenous to Oregon, except the species *Felis Catus* (domestic cat); any monkey, ape, gorilla or other non-human primate, any wolf or other canine not indigenous to Oregon, except the species *Canis Familiaris* (domestic dog); or any bear, except the species *Ursus Americanus* (black bear).

Keep - To have physical custody or otherwise to exercise dominion and control over an object.

Physically Impaired Person - A person who is permanently physically impaired, whose physical impairment limits one or more of daily life activities and who has a record of impairment and is regarded by health care practitioners as having such an impairment, requiring the use of an assistance animal including but not limited to blindness, deafness and complete or partial paralysis.

Wild Animal - Antelope, bighorn sheep, black bear, cougar, deer, elk, moose, mountain goat, silver gray squirrel, beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, fox, skunk, civet, bat or coyote.

First reading this ____ day of _____, 2002.

Passed by the Council this ____ day of _____, 2002.

Approved by the Mayor this ____ day of _____, 2002.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

Dear Mr. Fetzer:

We / I request a revision of Beaverton ordinance 5.05.020, the Dangerous Animal Ordinance---revising the definition of dangerous animal to include the American Alligator.

We / I have discovered that an (immature) five-foot American Alligator is being kept in our neighborhood as a household pet. This animal recently moved through the neighborhood into a yard several hundred feet from its own home when a door to its residence was inadvertently left open. The alligator was picked up by the police, but was retrieved and returned home by its owners sometime during the following couple of weeks.

We / I strongly feel that such an animal has the potential to be extremely dangerous and poses a very real threat to all members of our community.

Please make it a priority to revise this inadequately written ordinance---before this animal once again escapes into the neighborhood---next time perhaps, instead of simply scaring an unsuspecting resident, attacking a child, a pet, or a neighbor.

Sincerely,

*Cheryl Jarvis
Clifford D. Jarvis*

Very scary situation - we have young children. (But we can't have a goat ?!)

CHERYL + CLIFF JARVIS - 10020 SW MARJORIE LN.

①

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

Dear Mr. Fetzer:

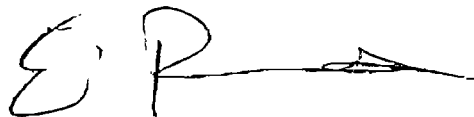
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Sincerely,



ERIC RUNNELS — 10080(2) MARGORIE LANF.

(2)

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

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Sincerely,

M. Maxine Parmer
George L. Parmer

3

MAXINE & GEORGE P ARMER - 9990 MARJORIE LN.

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

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Sincerely,



10035 SW Marjorie Lane
Beaverton, OR 97008
503-641-2076

(A)

RUTH DOBSON

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

Dear Mr. Fetzer:

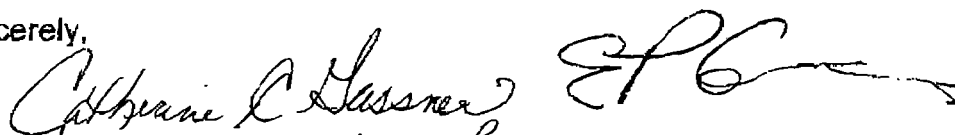
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Sincerely,


Catharine L. Gassner
10665 SW Marjorie Lane
Beaverton, OR 97008

KATE + ERIC GASSNER

(5)

Date: September 26, 2002
To: Gary Fetzer
City of Beaverton Code Services
Fax: 503-526-3730

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Sincerely,

Margaret Howard

MARGARET HOWARD

(6)

Date: September 26, 2002
 To: Gary Fetzer
 City of Beaverton Code Services
 Fax: 503-526-3730

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Sincerely,

Jai Duscheines
 7545 SW 101st Ave

Also the home that houses Jai's Alligator is 1 block from McKay Elementary School + has its back yard looking @ Whitford! We already worry about our children walking to and from school, with all the crazys out there -- we shouldn't have to worry about an Alligator in Beaverton. →

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City of Beaverton Code Services
Fax: 503-526-3730

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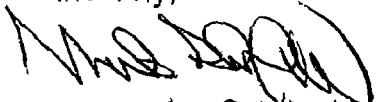
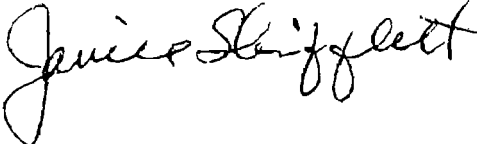
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Sincerely,


MARK SHIFFLETT


MARK + JANILE SHIFFLETT

10050 SW MARJORIE LANE

⑧

Date: September 26, 2002
To: Gary Fetzner
City of Beaverton Code Services
Fax: 503-526-3730

Dear Mr. Fetzner:

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Sincerely,

Steven Rider

STEVEN RIDER — 10005 MARJORIE LN.

9

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City of Beaverton Code Services
Fax: 503-526-3730

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Sincerely,



ALLISON RIDER - 10005 MARJORIE LN,

10