

TUESDAY MARCH 13, 2007

Officials ponder pit bull mandate

By Larry Hurrell | Argus Observer

PAYETTE - Payette County Commissioners listened to testimony Monday but made no decision concerning an ordinance to outlaw ownership of pit bulls within the county.

Commissioners began work several months ago on an ordinance that would bring the county in line with the cities of Payette and Fruitland, which both adopted ordinances concerning pit bulls. At Monday's hearing in the district courtroom of the Payette County Courthouse, Payette County Coroner Keith Schuller told an audience of about 16 people that the county needed a pit bull ordinance.

"There is evidence that shows pit bull attacks are more severe and are more likely to cause injury or death," Schuller said. "They can make gentle pets - but they require special attention. Pit bulls give no warning before they attack and they will not retreat."

Schuller told commissioners about his 2-year-old daughter who was attacked by a pit bull he had as a pet.

"You are justified in passing this ordinance," Schuller said. "Behavior of pit bulls cannot be determined simply by looking at it. It can't be predicted which pit bull will engage in aggressive behavior."

Schuller said many pit bull owners at the meeting would not be in favor of the ordinance because they believe their dog would never attack. Some, he said, would be right, while others would be wrong.

"Until an attack takes place, it is impossible to prove an owner is not responsible," Schuller said. "In Ontario and Winnipeg, Canada, and in England, where the breed began, pit bulls are banned."

Virgil Goodnight, 71, a Malheur County resident, was attacked by two pit bulls last year.

"The owner (of the pit bulls) had no insurance," Goodnight told commissioners. "I had some insurance. There was \$25,000 in hospital and doctor bills." Goodnight showed pictures of his arms shortly after the attack, which had hundreds of puncture wounds.

"I'm a strong man. I always have been a strong man," Goodnight said. "Since then I've lost 40 percent of the strength in my arms. They ache every night. I don't want this to happen to somebody else."

Amber Miller, Schuller's daughter who was attacked when she was 2, talked to commissioners, but only to explain what pit bull owners had to deal with to get insurance.

"It's possible to get insurance when you own a pit bull," she said. "I'm working on a \$2 million homeowners policy because a man owned a pit bull that attacked two people. One was an \$18,000 claim and the other was a \$16,000 claim. After the second attack, his insurance was dropped and he got rid of the pit bulls."

Barb Hutchinson, Payette, owner of 2nd Chance Animal Shelter in Fruitland, said she was in favor of an ordinance dealing with dangerous dogs, but was against a breed-specific ordinance such as the one the county is considering.

"This is not effective because it affects owners who have done nothing to endanger the area," Hutchinson said. "When pit bulls are criminalized, only criminals will have pit bulls."

Hutchinson said irresponsible pit bull owners will continue to disrespect the law no matter what. She said people identify a dog as a pit bull even when they have no idea what breed the dog really is.

"What you need is well-regulated leash laws, licensing laws and spay and neuter laws," she said. "If you have a good dangerous dog ordinance that is enforced, you head them off at the pass. Any dog is capable of doing great harm. We do support a danger our dog ordinance." Hutchinson said the ordinance could be considered unconstitutional because it is vague and does not appear to have any due process.

"You have no leash law in this county," she said. "You need a leash law, or at least have these farmers keep their dogs on their property. Some of the ordinance is good. Breed-specific is what I am opposed to."

New Plymouth resident Rachel Bickle said she, too, is against a breed-specific ordinance. Lloyd Brundage, also of New Plymouth, said a dangerous dog ordinance is what the county should be considering, rather than breed-specific.

"People should be taking responsibility for the dog they own," he said.

Wally Kimball, New Plymouth, said he used to run, but had to give it up after dogs began chasing him, even on public roads.

"If I'm bit by a Pekinese, it's going to hurt, but not like a pit bull," Kimball said. "I would like to see the ordinance be breed-specific."

Payette County Prosecutor Brian Lee said the ordinance is patterned after an ordinance in Colorado, which has withstood constitutional challenges. He said identification of a possible pit bull or pit bull mix would be up to a state veterinarian. If no identification could be made, he said, there would be no violation. Questioned about out-of-county pit bull owners traveling through the county with their dogs, Lee said the county will require a permit to transport the dog through the county, but only to close any loopholes for someone who is attempting to skirt the law.

In the end, commissioners chose to leave the hearing open until Monday at 5 p.m. Commissioners did not give any indication when a decision on the ordinance would be made.