

# THE EUGENE DOG BAN

*Is it constitutional?*

To those who feared for their safety while passing those napping pit bulls on the sidewalks of downtown Eugene, fear no more: Dogs have been banned downtown.

The ordinance that many decry as an effort to force homeless people out of the area and that a lawyer argues raises “constitutional issues” over disparate treatment went into effect Monday, April 10.

For the next six months, having a dog in the area between Eighth and 11th avenues and Oak and Lincoln streets could result in a \$100 fine.

Six Eugene city councilors voted for the ban with councilors Emily Semple and Betty Taylor voting against.

Sgt. Julie Smith, who has worked for Eugene police for 20 years and patrols downtown, says an incident last summer in which a dog walking with its owner attacked and killed another dog and bit its owner was a “pivotal moment” in her sentiment about the ban. And she’s received numerous complaints from downtown residents, business owners and out-of-towners who feared for their safety due to the high concentration of dogs on the sidewalks.

She says the ban “is not to hate all dogs and not have any dogs in the city, but it’s more to make it a safer, friendlier downtown, where people can walk down the sidewalk and not fear: Is the dog going to step out in front of me and I’m going to trip over the leash? Is the dog going to lunge at me and bite me?” Smith says. “I think that citizens have the right to be able to walk down the street and not be fearful of that.”

Of course, the ban doesn’t mean you won’t still see dogs downtown. The ban does not apply to dogs whose owners live or have jobs in the downtown area. It also doesn’t apply to dogs in cars — just those on the sidewalks — and service dogs. Companion dogs, however, are banned.

Additionally, if you’re headed to Food for Lane County food kitchen — an exception to the ban area — you must walk around the boundary. You can still get a ticket for crossing the ban area to get there.

Any dog downtown must also be “license-eligible” — meaning it is at least six months old or has permanent canine teeth, whichever comes first — and the owner must hold the license. This applies to dogs anywhere in the city, not just downtown. If your dog is license-eligible, you must register it with the city within five days. Licenses cost between \$12 and \$42 for the year.

**‘We need more justice as a society, but not justice based on classism.’**

— SUE SIERRALUPE

If you have a service dog — meaning the dog is trained to perform a specific task related to the owner’s disability, as opposed to a companion dog whose presence provides emotional support — police can lawfully ask you what task or function the dog provides to show that it is indeed a service dog. But Smith says even having a service dog doesn’t permit you to sit on the sidewalk for extended periods of time.

“If the person just wants to sit on the sidewalk, that’s not really a lawful reason that the service animal is providing them,” she said.

Washington state-based animal attorney Adam Karp says “If the city wants to ban folks from sitting on the sidewalk eight hours a day, then just pass such a narrow, less restrictive ordinance.”

Karp says the ordinance raises constitutional issues, such as equal protection and disparate treatment targeting the homeless and impairing freedom of movement, and moral issues of classism. He says the city should instead focus on dog behavior and questions why the council believes it cannot adequately regulate dangerous dogs using existing state and local laws.

“Dogs tend to be more well-behaved than their owners, and I sense the city has used the dogs as a proxy for removing aggressive panhandlers,” Karp says.

Occupy Medical clinic manager Sue Sierralupe strongly opposes the ban, saying it is yet another measure the city is taking to criminalize homelessness. “We need more justice as a society, but not justice based on classism,” she says.

Former City Councilor George Poling, who voted for the ban, says although state and local laws do exist to regulate dangerous dogs, the high concentration of both people and dogs in the downtown area is the reason the city council decided to move forward with the pilot program.

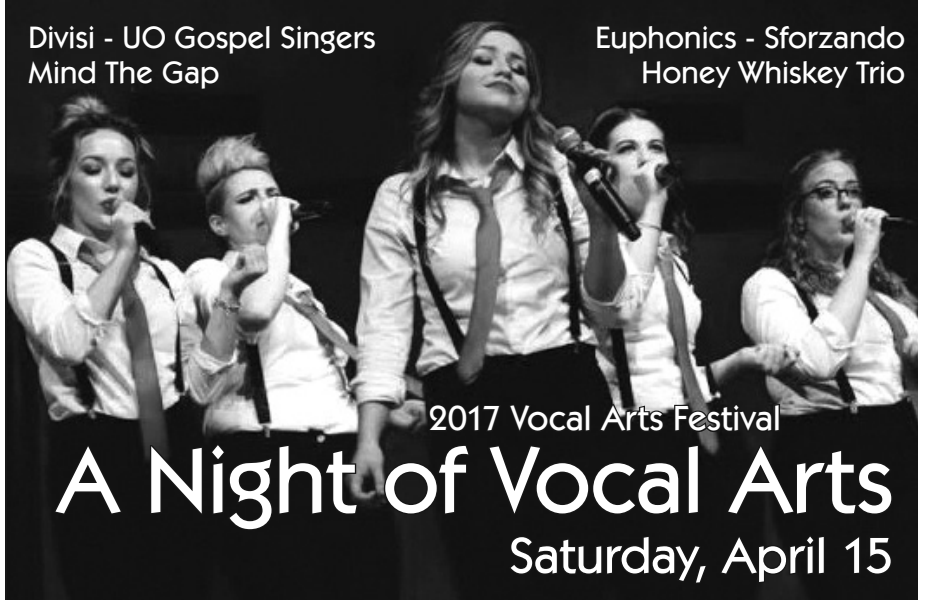
“Just like anything, you’ve got to try it,” Poling says. “And if it doesn’t work, you move on.” ■

If you live or work downtown, your city dog license should include your downtown residential address. If it doesn’t, be prepared to show ID with the address. Smith said a property owner listing can verify that you own a business downtown, but the city is still figuring out a way to confirm downtown employment.

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