

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 29

#### HEARING PROCEDURES IN DOG CONTROL CASES

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#### TABLE OF CONTENTS

*Section Title*

**29.010 Hearing procedures; generally**

**References and Authorities**

**Legislative History of Policy 29**

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**29.010 Hearing procedures; generally**

(A) The chairman of the Board of Commissioners is the presiding officer; it is his job to administer an oath or affirmation to all persons who give any evidence, to keep the hearing orderly, and to see that the dog owner and livestock owner have a full and fair opportunity to present their evidence.

(B) The deputy clerk:

(1) to has the job of keeping an audio tape record of the hearing; and

(2) to label and keep custody of any exhibits.

(C) The Director of the Dog Control Department has the job of:

(1) presenting the evidence to be offered by the Department.

(2) The Director will summarize the case he intends to present,

(3) to will have witnesses testify,

(4) may ask the witnesses questions,

(5) may offer evidence for the record, and

(6) may cross examine witnesses who testify for the Livestock Owner and Dog Owner.

(7) In some cases the Director also will be giving testimony. If he gives testimony, he will first take an oath or affirmation, like all witnesses.

(D) The Livestock Owner may, be called by the Director to testify about facts within his or her knowledge; the Livestock Owner may testify about things that the Director did not ask, and may also have other witnesses give testimony.

(E) The Livestock Owner may ask questions of any witness.

(F) The Dog Owner may, but is not required to, testify, and may present other evidence and have other witnesses testify. The Dog Owner has the right to cross examine all witnesses who testify for the Dog Control Department or for the livestock owner.

**29.520 Hearing procedures; order of presentation**

(A) Hearing called to order

(B) Dog Control Director summarizes the nature of the case

(C) Livestock owner may summarize what evidence he or she intends to offer

(D) Dog Owner may summarize what evidence he or she intends to offer

(E) Dog Control Director calls witnesses and offers evidence

(1) Dog Control officer

(a) Sworn by Chairman

(b) Testifies

(c) Answers questions of Director  
(d) Answers questions of Dog Owner  
(cross examination)  
(e) Answers questions of Board member.

(2) Livestock owner

(a) Sworn by Chairman  
(b) Testifies  
(c) Answers questions of Director  
(d) Answers questions of Dog Owner

(cross examination)

(e) Answers questions of Board member.

(3) Other witnesses

(a) Sworn by Chairman  
(b) Testifies  
(c) Answers questions of Director  
(d) Answers questions of Dog Owner

(cross examination)

(e) Answers questions of Board member.

(4) Other Evidence

(a) Director offers other (non-testimonial) evidence, such as reports, photos, etc.

(b) Clerk takes custody

(F) Livestock Owner offers any additional evidence he or she thinks relevant, that was not presented by Director

(1) If it is testimony;

(a) Witness is sworn by Chairman  
(b) Witness testifies  
(c) Witness answers questions of Livestock Owner

(d) Witness answers questions of Director (cross examination)

(e) Witness answers questions of Dog Owner (cross examination)

(f) Answers questions of Board member.

(2) If it is non-testimonial;

(a) Offers the item  
(b) Clerk takes custody

(G) Dog Owner offers evidence he or she thinks relevant,

(1) If it is The Dog Owner's testimony;

(a) Dog Owner is sworn by the Chairman

(b) Dog Owner says what he or she wishes

(c) Dog Owner answers questions of Livestock Owner (cross examination)

(d) Dog Owner answers questions of Livestock Owner

(e) Answers questions of Board member.

(2) If it is other witnesses

(a) Witness is sworn by Chairman

(b) Witness testifies

(c) Witness answers questions of Dog Owner

(d) Witness answers questions of Director

(e) Witness answers questions of Livestock Owner

(f) Witness answers questions of Board Members

(3) If it is non-testimonial evidence

(a) Dog Owner offers the evidence

(b) Clerk takes custody.

[Adopted 00-nnn §nn eff mm/dd/00]

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**References and Authorities:**

ORS 203; 609; LCC chapter 560 (Dog Control Code)

**Legislative History of Policy 29:**

Adopted eff nn/nn/nn

Amendments to

#1 none

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