

## Owners don't think dog dangerous

Written by Elizabeth Barrett

Thursday, 29 July 2010 12:01 -

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### Davis family questions designation after pit bull bites neighbor.

The owners of a dog deemed dangerous don't think she is.

For the second time in a row, Joseph and Krista Davis approached the Gothenburg City Council about their pit bull that bit a neighbor on July 7 which required a visit to the emergency room.

At the time of the incident, the neighbor—Adam Hays—was trying to separate his dog from the Davis pet.

Under city code, dogs or other animals are declared dangerous when they:

inflict severe injury on a human being without provocation on public or private property;

kill a domestic animal without provocation while off the owner's property;

Been previously found to be potentially dangerous, the owner having received notice of the finding and the dog or other animal again aggressively bites, attacks or endangers the safety of humans or domestic animals.

If declared dangerous, owners must do certain things including payment of \$250 initially and a \$100 renewal fee to the city each year, obtaining insurance and insuring the animal is properly

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confined.

At issue was whether or not the chain holding the pit bull was long enough to allow the dog to go into the neighbor's yard.

"Their (neighbor's) dog was loose," Davis said.

Gothenburg police officer Ryan Randolph, who investigated the incident, said there are conflicting reports about what happened.

Randolph said Brenda Hays told him that their dog was on their property and the pit bull grabbed the animal and dragged it to the Davis yard where it was attacked.

Krista said her dog couldn't reach the Hays yard on the chain.

"Possibly to the property line but not over it," she said.

City attorney Mike Bacon said if the dog didn't leave the property it shouldn't be declared potentially dangerous.

Bacon suggested adjourning the meeting and measuring the chain.

Randolph said there could be issues because the trampoline to which the dog had been chained had been moved.

"All you can do is look at probably evidence," Bacon said.

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The council directed Randolph to measure the chain and try to get the Hays family to attend the Aug. 3 meeting to talk about the incident.

In other business, the council:

introduced an ordinance that allows Terry's Business Park—where the new Comfort Inn & Suites and a tax business is located—to collect an additional 1% sales tax on transactions in the park to pay for infrastructure.

The tax goes into effect Sept. 1.

passed on first reading an ordinance that vacates a portion of an easement between lots three and four in Gothenburg Industrial Park Second on Cottonwood Drive.

The lots are north of Central Platte Agronomics Inc. The action is needed because a buyer wants to combine the lots to construct a building.

paid downtown businesses from a downtown revitalization grant. They included \$1,786 to Lake Avenue Eyecare and \$566 to Sander Furniture.

On a related matter, members approved a draw down of \$13,620 on the downtown revitalization project.

approved the appointments of Anne Anderson and Jack Kniss to the city's retail reuse committee.

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gave the go-ahead to pay Terry Kruse of Kruse Construction \$19,891 and Garnold Kreft of Kreft Construction \$16,793 for specified work on homeowner grant projects.

granted requests from Monte Kenning of OK Bottle Shoppe for special designated licenses to provide alcohol at two businesses during business-after-hours events. The businesses are McMeen Physical Therapy, Aug. 13, from 5-7 p.m.; Gothenburg Tire, Aug. 20, from 5-9 p.m.

agreed to allow Frito-Lay employees to pick up trash on Cottonwood Drive. The street is on the west side of their business.

City officials said employees could use old safety vests they have and suggested obtaining large, orange trash bags from the state.