

Murray Code Enforcement Board Minutes
January 8, 2013

The Murray Code Enforcement Board met in regular session on January 8, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Danny Brittain, Sam Underwood, Mitzi Key and Thomas Rottinghaus

Others Present: Jennifer Tolley, David Roberts, Officer Tim Fortner, and Fire Marshal Walls.

Chairman Thomas Rottinghaus called the meeting to order and an attendance roll call was then taken.

Approval of August 7, 2012 Minutes: Motion made by Sam Underwood to accept and seconded by Danny Brittain.

Public Hearing – Curtis Williams: Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. All Board members answered no. Officer Tim Fortner came forward and was sworn in. Officer Fortner stated that on December 9, 2012 a call was received from the resident at 1608 Poplar Street stating there was an aggressive dog in her back yard. Officer Fortner stated the Police Department tried to contact animal control but neither of their officers was available. Officer Fortner stated he went to the residents with a catchpole and when he arrived the dog was at the resident's back door barking and acting very aggressive. Officer Fortner stated that when he tried to get the dog with catchpole the dog would bark and growl at him and at one point he thought he might have to use his side arm because he didn't want to get attacked by the dog. Officer Fortner stated that when he was talking to dispatch, he was informed that the owner of the dog had reported it missing. Officer Fortner went on to say that he contacted the Respondent, Mr. Curtis Williams and he came to the residents where the dog was. Officer Fortner stated that when Mr. Williams arrived the dog came to the owner and was friendly. Officer Fortner stated that he explained the leash law to the Respondent, and he replied that someone must have let the dog off his leash and he had been looking for the dog all night. Officer Fortner explained to the Respondent that he understood but the dog was not on a leash at that moment and the dog had been considered vicious. At this time Mr. Chris Hayes, resident of 1608 Poplar came forward and was sworn in. Mr. Hayes stated that on this day his daughter was asked to go feed their dog in the backyard and she came back yelling there was a big dog in the yard. Mr. Hayes stated that he looked out the window and there was another dog in his fenced in yard. Mr. Hayes said he opened the back door, called his dog to come in the house and the other dog stood there barking at him. Mr. Hayes stated that he was dog lover but the dog was aggressive toward him and he did not feel that he would be able to stop the dog if it charged him. Chairman Rottinghaus asked the Board if they had any questions and they all answered no. At this time the Respondent, Curtis Williams came forward and was sworn in. The Respondent stated that the night before he had put the dog outside on a lead and when he returned home the dog was gone. The Respondent went on to state that he had contacted the Police Department, Animal Shelter, and Sheriff's Department, looking for his dog. At this time the Respondent

submitted a photo of the dog with a seven year girl. The Respondent state that the pictures are proof of how his dog is with children and other people. The Respondent stated there wasn't a collar on the dog because it had been pulled off. The Respondent showed the Board the collar and lead that he used for the dog. The Respondent stated that his dog had never been loose or showed aggression toward anyone before. Chairman Rottinghaus asked the Respondent the age of the dog. The Respondent replied that the dog was six. Chairman Rottinghaus asked the Respondent how much his dog weighed. The Respondent replied between 70 and 80 pounds. The Respondent stated that when he arrived at the owner's house he went and opened the gate to let the dog out and the dog went to the officer to get petted. The Respondent stated that he was a responsible owner, and he didn't feel like he should get a ticket for his dog being lost. Sam Underwood asked the Respondent if he had ever been scared by a dog. The Respondent replied that he had not. The Respondent stated the dog was in the truck and he would be willing to go get him so that the Board could see that he wasn't an aggressive dog. Chairman Rottinghaus and the Board members stated that they didn't have a problem with it. The Respondent left the Council Chambers and returned with his dog. The dog was introduced to the Board. Chairman Rottinghaus asked if the dog was neutered and the Respondent answered no. Officer Fortner came forward and stated that he had seen many dogs in his life and career and on that day the dog was aggressive. **Danny Brittain made a motion that the Respondent, Curtis Williams shall pay a civil fine in the amount of \$71.75 to the City Clerk's office within 30 days. Sam Underwood seconded and it carried by a 4-0 roll call vote**

Fine Hearing – Greg Rodgers: Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. All Board members answered no. Fire Marshal Dickie Walls came forward and was sworn in. Fire Marshal Walls stated that on November 18, 2012, the Murray Fire Department was dispatched to a possible structure fire in the area of Dogwood and Crestwood. When Engine 1 arrived they noticed smoke coming from behind a house on Dogwood. Fire Marshal Walls stated that Engine 2 advised Engine 1 that there was someone in the yard burning leaves and Engine 2 extinguished the fire. Fire Marshal Walls stated that Assistant Chief Reynolds spoke to the Respondent, Greg Rodgers and explained to him that he was not allowed to burn leaves within the city limits and issued a citation at this time. Chairman Rottinghaus asked the Board if they had any questions and they all answered no. The Board deliberated. **Sam Underwood made a motion that the Respondent, Greg Rodgers shall pay a civil fine in the amount of \$50 to the City Clerk's office within 30 days. Danny Brittain seconded and it carried by a 4-0 roll call vote.**

Being no further business, Chairman Rottinghaus made a motion to adjourn.

Chairman, Thomas Rottinghaus

Recording Secretary, Jennifer Tolley