

ORDINANCE NO. 10 for 1979

ORDINANCE NO. 764

AN ORDINANCE PROVIDING FOR DOG LICENSING AND CONTROL, REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN:

Section 1. Unless otherwise specified, the word "dog" wherever used in this ordinance shall mean a dog, bitch, or spayed bitch. An adult dog is a dog that has a permanent set of canine teeth or is six months old.

Section 2. It shall be unlawful for any owner of or keeper of any dog to permit such dog to run at large upon any of the public streets, alleys, or other public places within the limits of the City of Sweet Home, Oregon, or upon the premises of any person except the premises owned or controlled by the owner or keeper of such dog, whether or not such dog is licensed. When a dog is being controlled by a leash, the leash must not be more than six feet long, for the dog to be not running at large.

Section 3. The City of Sweet Home is hereby established as a dog control district and the Council of the City of Sweet Home is the governing body of the district. The City of Sweet Home shall issue licenses and enforce all of the city and state laws relating to the control of dogs within the City of Sweet Home. Oregon Revised Statute 609.100 Dog licenses, tags, and fees, and any amendments thereto, are hereby adopted, with the references to "county" therein hereby being changed to "city". The 1979 licenses issued by Linn County prior to the enactment of this ordinance are hereby recognized as valid.

Section 4. Oregon Revised Statutes 609.140 to and including 609.190, and all amendments thereto, are hereby adopted, provided that where said statutes refer to "county" said term shall be changed to "city" and where said statutes refer to "district attorney" said term shall be changed to "city attorney". Said statutes are adopted for the City of Sweet Home to provide a program in regard to damage to livestock by dogs.

Section 5. No new kennels for dogs shall be located in the City of Sweet Home after the passage of this ordinance. Any kennels now located in the City of Sweet Home that have not been licensed for 1979 by Linn County, may be licensed by the City of Sweet Home for 1979 in accordance with the ordinances and regulations of Linn County now in effect, including the annual license fee of \$5.00 each for dogs kept in kennels, and the penalties provided for late licensing.

Section 6. The Chief of Police is hereby authorized and directed to operate the dog licensing and control program, to maintain the dog shelter facility of the City, to seize and impound all dogs found running at large within the city limits, and to collect fees as herein provided. The Chief of Police is hereby authorized to do any and all things necessary, incidental, or proper in the enforcement of this ordinance, and it shall be unlawful for any persons, firm or corporation to hinder or attempt to prevent him or those acting under his direction, from enforcing the terms of this ordinance, and any person, firm, or corporation so doing shall be guilty of a violation.

## Section 7.

- (a) Unless claimed by its owner or keeper, a dog that is taken up and is without a license or identification tags, and his owner is not known, shall be impounded for at least five days. A reasonable effort shall be made to notify the owner of the dog before the dog is removed from impoundment. If no owner appears to redeem a dog within the allotted time, it shall be killed, unless the Chief of Police allows the dog to be taken by some responsible person, as hereinafter provided. The Chief of Police may release the dog to the Linn County dog control authority at his discretion, if they so request.
- (b) If the owner of the dog appears and redeems the dog, he shall pay a sum of not less than \$10.00 for the first impoundment, and not less than \$20.00 for each subsequent impoundment, and also pay the expense of keeping the dog during the time it was impounded, which shall be \$3.00 per day for food and shelter, plus any other additional expenses. If the dog is six months old and is not licensed, the owner shall pay a \$20.00 deposit to the City to guarantee that the dog will be vaccinated for rabies. Upon furnishing proof within 14 days thereafter that the dog has been vaccinated for rabies, then the City shall issue a license for the dog, deduct the license fees from the \$20.00 deposit and refund the balance of the deposit to the owner, but if such proof is not made, then the deposit shall be forfeited to the City and the City shall retain the same.
- (c) If a dog is impounded and is not redeemed by its owner within the allotted time, the Chief of Police may allow a responsible person to have the dog by paying a \$12.00 fee to the City, and provided that if the dog is over six months old and the person brings proof to the City within 14 days thereafter that the dog has been vaccinated for rabies, then funds from the \$12.00 fee shall be applied to purchase a dog license for the dog. If the person does not furnish such proof of vaccination within 14 days, then the City retains all of the \$12.00 fee and the person must buy the license for the dog from his own other funds. If the dog has not been spayed or neutered, then the person shall also be required to deposit \$20.00 with the City, and if the person furnished proof to the City within five months thereafter that the dog has been spayed or neutered, then the \$20.00 deposit shall be refunded to the person. If such proof is not made within such time, then the \$20.00 deposit shall be forfeited and the City shall retain the \$20.00 for its own use.
- (d) If a dog is seriously injured, so that it is dangerous to impound the dog, or it appears that there is no reasonable chance that the dog will survive the injury, or if the dog is ill with distemper or other disease from which it appears there is no reasonable chance that the dog will recover, and the dog is not under the control of its owner or keeper, then the dog may be destroyed and the provisions for impounding the dog contained in this ordinance and in the state law shall not apply.

Section 8. A dog is a public nuisance if it:

- (a) Bites a person;
- (b) Chases vehicles or persons;
- (c) Damages or destroys property of persons other than the owner of the dog;
- (d) Scatters garbage;
- (e) Trespasses on private property of persons other than the owner of the dog;
- (f) Disturbs any person by frequent or prolonged noises; or
- (g) Is a female in heat and running at large.

Section 9. Any person who has cause to believe a dog is being maintained as a public nuisance may complain, either orally or in writing. The complaint shall be considered sufficient cause for the Chief of Police to investigate the matter. A dog shall not be considered a public nuisance under this ordinance if he bites a person wrongfully assaulting the dog or the dog's owner, or if he bites a person trespassing upon the premises occupied by the dog's owner after being provoked by that person.

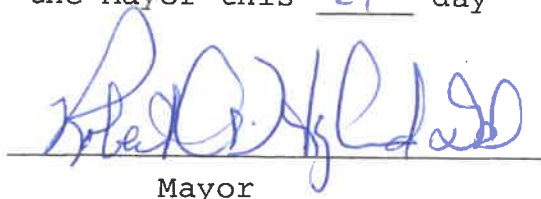
Section 10. It shall be a violation of this ordinance for the owner or keeper of a dog to allow the dog to be a public nuisance.

Section 11. Any person, persons, firm or corporation found guilty of violating any of the provisions of this ordinance shall, upon conviction thereof before the municipal court of the City of Sweet Home, be punished by a fine of not less than \$20.00 nor more than \$100.00 on a first offense; not less than \$35.00 nor more than \$100.00 on a third or subsequent offense.

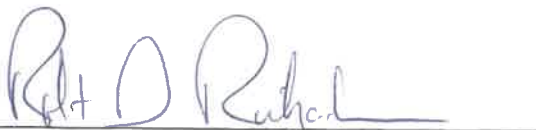
Section 12. Ordinance No. 445 and all other ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Section 13. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 24 day of April, 1979.

  
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Mayor

ATTEST:

  
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City Manager