

ORDINANCE BILL NO. 7 FOR 1986

ORDINANCE NO. 944

AN ORDINANCE PROVIDING FOR DOG LICENSING AND CONTROL; REPEALING ORDINANCE NO. 764; AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Definitions. As used in this ordinance, the following terms shall be defined as follows:

(a) "Dog" means mammal of the canine family.

(b) "Dog running at large" means:

(1) A dog off or outside of the premises belonging to the owner or keeper of such dog, not restrained by a leash or other similar device. Said restraining device must not be more than six feet long, for the dog to be not running at large; or

(2) A dog on the premises of the owner or keeper that is not restrained by a chain or similar device, or enclosed in a fenced area. Said fence must be of such construction and height as to keep the dog enclosed in the fenced area for the dog not to be running at large.

(c) "Owner or keeper" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over or knowingly permits any dog to remain on premises occupied by that person.

(d) "Public nuisance" means a dog that does any of the following:

(1) Chases vehicles;

(2) Damages or destroys property other than animals of persons other than the owner or keeper of the dog;

(3) Scatters garbage;

(4) Trespasses on private property of persons other than the owner or keeper of the dog;

(5) Disturbs any person by frequent or prolonged noises;

(6) Is a female in heat and running at large;

(7) Running at large, if the owner or keeper has been convicted before of permitting a dog to run at large within a twelve month period, or if the dog has been the subject on which a conviction has been based within a twelve month period; or

(8) Is an unlicensed dog, when that dog is subject to the licensing provisions of the ordinance, if the owner or keeper has been convicted before of owning or keeping an unlicensed dog within a twelve month period.

(e) "Vicious dog" means any dog, except a trained dog assisting a police officer engaged in law enforcement duties, which demonstrates or does any or all of the following behavior:

(1) Being unprovoked, kills, bites or inflicts any type of wound on a person or other animal.

(2) Being unprovoked, chases person(s), approaches a person in a vicious or terrorizing manner in an apparent attitude of attack, fights with other animals, or snaps at a person or other animal.

A dog shall not be considered a vicious dog under this ordinance if the dog snaps at, approaches, pursues, bites or wounds a person or animal who is wrongfully assaulting the dog or the dog's owner or keeper, or if the dog snaps at, pursues, approaches, bites, or wounds a person or animal trespassing on the premises occupied by the dog's owner or keeper after being provoked by that person or animal.

Section 2. The City of Sweet Home is hereby established as a dog control district, and the City Council of the City of Sweet Home is the governing body of the district. The City of Sweet Home shall issue dog licenses and enforce all of the provisions of this ordinance and State laws not in conflict with this ordinance relating to the control of dogs within the City of Sweet Home.

(a) Every person owning or keeping any dog which has a set of permanent canine teeth or is six months old, whichever comes first, shall procure from the City a license for the dog and pay to the City a license fee at that time. Said license shall be for a term of one year from the date of the issuance thereof, the license shall expire at the end of said year, and is to be renewed and an annual license fee paid by the owner or keeper of the dog each year. The fee for the license shall be determined by the City Council in such amount as it finds necessary to carry out the provisions of this ordinance. A license fee shall not be less than \$9.00 for each dog, except that the fee shall not be less than \$3.00 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the City. If the person fails to procure a license within the time provided by this section, the City Council may prescribe a penalty in an additional sum to be set by it.

(b) The City shall, at the time of issuing a license, supply the licensee, without charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.

(c) No license fee shall be required to be paid for any dog owned by a blind person or deaf person who uses it as a guide, or any dog being trained for the use of a blind person or deaf person. A license shall be issued for such dog upon filing with the City an affidavit by the blind or deaf person or trainer, showing such dog to come within this exemption.

(d) The City shall keep a record of dog licenses.

(e) All funds derived under ORS 433.340 to 433.385 and this ordinance shall be turned over to the City Treasurer,

who shall keep them in a fund to be known as the Dog License Fund, to be expended as provided for by law. At the end of a fiscal year, any amount of money in the fund determined by the City Council to be in excess of the requirements of the Dog License Fund may be placed in the general fund of the City.

Section 3. ORS 609.140, to and including ORS 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 4. No kennel for dogs shall be located in the City of Sweet Home. The City dog shelter facility shall not fall under the purview of this section. A kennel is any premises, except a veterinary clinic, on which four or more dogs more than four months of age are kept.

Section 5. The Chief of Police is hereby authorized and directed to operate the dog licensing and control program, to maintain a dog shelter facility for the City, to seize and impound 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.

Section 6.

(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 or keeper is not known, shall be impounded for at least five days. A reasonable effort shall be made to notify the owner or keeper of the dog before the dog is removed from impoundment. If no owner or keeper 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 or keeper 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 or keeper within the allotted time, the Chief of Police may allow a reasonable person to have the dog if the person complies with the requirements for licensing the dog and pays the dog license fee. Said fee shall be waived for any non-profit organization.

(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 7. Notwithstanding any other provisions of

the ordinance, any dog that has bitten or is suspected of biting a person or other animal shall be confined for not less than ten days before any further disposition of the dog is made in order to determine if the dog is rabid.

Section 8. It shall be unlawful for the owner or keeper of any dog:

(a) To permit a dog to run at large;

(b) To allow a dog to become a public nuisance;

(c) To own, or keep a dog that has been declared vicious unless that dog is properly and adequately enclosed, and when not enclosed, restrained and/or muzzled to protect the public.

(d) To own or keep a dog with knowledge that it has injured livestock in violation of ORS 609.160.

(e) To own or keep a dog without tag attached to its collar, as required when it is subject to the licensing ordinance.

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Amended by 950*

(f) To own or keep an unlicensed dog, when that dog is subject to the licensing provisions of this ordinance.

(g) To own or keep a dog which has not received its rabies inoculation as required under ORS 433.365. It shall be an affirmative defense to a violation of this provision that the dog was inoculated prior to trial, and the charge shall be dismissed upon the presentation to the trial court of a certificate of inoculation signed by a veterinarian.

(h) To own, keep or operate a kennel inside the city limits of Sweet Home.

Section 9. A dog running at large which, because of its disposition or diseased condition, is too hazardous to apprehend may be destroyed by a peace officer, dog control officer or by a person acting in defense of himself, his family or another person.

Section 10. Violation of this ordinance constitutes an infraction and may be prosecuted under the provisions of Ordinance Number 876.

Section 11. In addition to any fine ordered by the Court, the Court may order that the defendant pay for any person, animal or property damaged. In addition to any fine or restitution ordered by the Court, if a dog has been found to be a vicious dog, or once a vicious dog and then a public nuisance, or two or more times to be a public nuisance (In determining the times needed to violate this provision, the Court is to consider the case before it as one time.), the Court may order such disposition of the dog as the Court considers necessary for the safety or health of the public, including, but not limited to having the dog declared a "vicious dog," having the dog removed from the corporate limits of Sweet Home, and/or having the dog destroyed.

Section 12. An appeal from a judgment of the Municipal Court may be taken by either party as provided by ORS 221.350, but pending the outcome of the appeal the dog involved in the case may be impounded by the Municipal Court, with the cost of the impoundment to be paid by the appealing party as ordered by the Municipal Court.


Section 13. Ordinance No. 764 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 14. The remedies, which include any penalties herein provided for in this ordinance or sections thereof shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City or injured party.

Section 15. Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

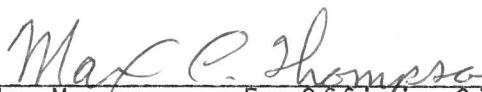
Section 16. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 10th day of June, 1986.



Mayor

ATTEST:



City Manager - Ex-Officio City Recorder