

ORDINANCE NO. 390

AN ORDINANCE ADOPTING PORTIONS OF THE OREGON CRIMINAL CODE, THE OREGON LIQUOR CONTROL LAWS, THE OREGON CONTROLLED SUBSTANCES LAWS, AND THE OREGON MOTOR VEHICLE CODES; AND FURTHER, PROVIDING FOR THE CONTROL OF DOMESTIC ANIMALS; AND FURTHER, REPEALING SECTION 1 OF ORDINANCE NO. 367.

The City of Brookings ordains as follows:

Section 1. The following enumerated portions of the Oregon Revised Statutes concerning the Oregon Criminal Code, the Liquor Control Laws, the Controlled Substances Laws, and Motor Vehicles Codes, together with all acts and amendments thereto now existing or made a part thereof, are hereby adopted by reference and made a part of this Ordinance, as fully as if set forth verbatim herein, to be enforceable and enforced by the City of Brookings within the corporate limits of the City, as follows:

ORS Chapter 161.
ORS Chapter 162.
ORS Chapter 163.
ORS Chapter 164.
ORS Chapter 165.
ORS Chapter 166.
ORS Chapter 167.
ORS Chapter 471.
ORS Chapter 475.
ORS Chapter 481.
ORS Chapter 482.
ORS Chapter 483.
ORS Chapter 484.010 to 484.480.
ORS Chapter 485.
ORS Chapter 486.
ORS Chapter 487.

Section 2. The following additional provisions shall be and hereby are added to Section 103 of Ordinance 13, as said Ordinance was amended by Ordinance No. 147, as follows:

(4) The owner or keeper of any dog or other domestic animal shall not allow such animal to be a public nuisance. A dog or other such animal is deemed herein to be a public nuisance if it bites a person, chases persons or vehicles, damages or destroys property of persons other than the animal's owner, scatters garbage, trespasses on private property of persons other than the animal's owner, disturbs any person by

frequent or prolonged noises, frequently defecates on the property of another or of the public, or is a female in heat and running at-large. Such animal shall not be considered a public nuisance if it bites a person who wrongfully is assaulting the animal or the animal's owner or if it bites a person trespassing upon premises owned or occupied by said animal's owner.

(5) No person owning or harboring or having the care or custody of a vicious dog or other animal shall permit such animal to go unconfined beyond the premises of such person unless such an animal is securely leashed and muzzled or otherwise restrained. Vicious as herein defined means any dog or other animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals, any animal which attacks a human being or domestic animal without provocation, or any dog or other such animal owned or harbored primarily or in part for the purpose of dog or animal fighting.

(6) No person shall own or harbor any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of dog fighting or for the purpose of causing or encouraging said dog to unprovoked or willfully provoked attacks upon human beings or domestic animals.

(7) No dog is allowed to run at-large within the corporate limits of the City of Brookings. When a dog is found running at-large it may be taken up and impounded by the Brookings City Police or said office's designee and, if so impounded, said animal shall be held in any reasonable and adequate shelter which can be provided for such purposes. A reasonable effort shall be made to notify the dog's owner before it is removed from impoundment. If no owner appears to redeem his dog within five (5) days after impoundment, the dog may be released to a responsible person upon receiving assurance from that person that he or she will properly license and care for the dog and not allow the dog to run at-large or become a nuisance, and upon payment of a sum which will cover the cost of keeping the dog during its impoundment. Any owner redeeming his dog shall pay, in addition to any fine imposed, a reasonable charge for the expense of keeping the dog during its confinement. If no owner is found for the dog nor any responsible person found within the above-allotted time to whom the dog can be released, then the Brookings City Police Department shall have

total discretion and control of the further disposition of the animal.

Section 3. Section 1 of Ordinance No. 367 is herein and hereby repealed in its entirety.

Section 4. If any provision, or provisions of this Ordinance shall be declared void and/or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void, and/or unconstitutional, shall be and continue in full force and effect.

Section 5. It is hereby determined that it is in the interest of the public welfare, peace and safety of the City of Brookings that this ordinance be immediately adopted because continuity must be maintained with the laws of the State of Oregon and the Ordinances of the City of Brookings in the area of law enforcement and therefore an emergency is declared to exist, and that this ordinance shall be in full force and effect from and after the date of its passage.

First Reading: February 12, 1985

Second Reading: February 12, 1985

Passage: February 12, 1985

Signed by me in authentication of its passage this
13th day of February, 1985.

Bob Kerr
Mayor

ATTEST:

Judy Pector
City Recorder