

ORDINANCE NO: 68

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE IN THE CITY OF BROOKINGS, OREGON, MAKING IT UNLAWFUL FOR THE OWNER OF ANY DOG TO PERMIT THE SAME TO RUN AT LARGE UPON PREMISES, STREETS OR ALLEYS, OTHER THAN THE PROPERTY OF ITS OWNER UNLESS IT BE UNDER LEASH, PROVIDING PENALTIES AND DECLARING AN EMERGENCY. *control*

The City of Brookings does ordain as follows:

SECTION 1. The word "dog" as used in this ordinance shall mean male and female dogs, either sterilized or not, and whether licensed or not.

SECTION 2. It shall be unlawful in the City of Brookings for any owner of a dog to permit the same to run upon premises, streets or alleys other than the property of its owner, ~~unless it shall be under leash not exceeding six (6) feet in length.~~

SECTION 3. It shall be unlawful for any dog to run at large in the City of Brookings, or upon any street or alley in the City of Brookings, or upon any premises other than the property of its owner, unless said dog is under control, ~~on leash.~~

SECTION 4. All police officers of the City of Brookings and any special officer appointed by the Chief of Police are hereby authorized and directed to take up and impound any dog or dogs running at large or on any premises other than the property of its owner in the City of Brookings.

SECTION 5. The Chief of Police is hereby authorized and directed to secure a suitable place in which all impounded dogs may be confined and cared for during their retention.

SECTION 6. Whenever any dog shall be impounded under authority of this ordinance the Chief of Police shall forthwith give notice of the impounding of said dog, and said dog, unless redeemed as herein provided, will be disposed of in accordance with the provisions of this ordinance, by posting a notice on the bulletin board at the City Hall in said City for four days. Such notice shall state the time, on the fifth day after posting of the same, at which said dog shall be disposed of as herein provided. If the name of the owner of such dog is known to the Chief of Police a copy of such notice shall be delivered to said owner in person, or mailed to such owner if the address of said owner is known to the Chief of Police, and if such address is not so known said notice shall be addressed to said owner at Brookings, Oregon. Said additional or further notice shall be given within one day from the posting of said notice.

SECTION 7. Any dog impounded under authority of this ordinance may be released to the owner or custodian thereof by the Chief of Police upon the payment of a redemption fee in the sum of Five (\$5.00) Dollars if redeemed within 2 days, and One Dollar (\$1.00) additional for each day thereafter.

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SECTION 8. Whenever any dog shall be impounded under authority of this ordinance and shall not be released to the owner or custodian thereof, as herein provided, such dog shall be kept for a period of five days, after which such dog shall be released to some person as hereinafter provided, or shall be humanely killed.

SECTION 9. Whenever any dog shall be impounded under authority of this ordinance and the owner or custodian of such dog shall not appear and claim such dog and pay the redemption fee provided herein within five (5) days from the giving of notice, as herein provided, the Chief of Police is hereby authorized and empowered to deliver such dog to any person upon the payment of the redemption fee of Eight (\$8.00) Dollars. Such delivery shall be subject to the claim of the rightful owner of said dog and the payment by him to said person of the redemption fee paid to the City and the reasonable expense of keeping said dog up to the time of the claim by the owner, and the Chief of Police at the time of making any such delivery shall take a written receipt from such person acknowledging that such person holds the said dog subject to the claim of the rightful owner upon the payment of the redemption fee paid by such person and the reasonable expense of keeping such dog up to the time of claim by such owner. And the Chief of Police shall not deliver any dog impounded hereunder to any person under the provisions of this section without receiving the receipt herein provided for.

SECTION 10. All periods of time named in this ordinance shall be computed by excluding from the computation the day upon which the impounding shall be made.

SECTION 11. The Chief of Police shall keep a duplicate record of dogs impounded, which shall show the date and time when impounded, a description by approximate weight, age, color, sex and breed, if known to the Chief of Police, and in said record an entry shall be made showing the disposition made of said dog. The duplicate of said record and all delivery receipts shall be filed monthly with the City Recorder of the City and be deemed public records of the City.

SECTION 12. The expense of caring for dogs impounded under this ordinance shall be paid out of the general fund of the City of Brookings, and all moneys paid in redemption fees shall be credited to the general fund of the city.

SECTION 13. Any dog owner, believing himself aggrieved by the seizure and impounding of his dog, may apply to the Municipal Judge for the relief of such dog and the Municipal Judge shall thereupon set a time and place for hearing such application and notify the Chief of Police, and upon a summary hearing at such time and place the Municipal Judge shall have full power to determine whether the dog has been wrongfully impounded and whether it shall be returned to its owner and upon what terms.

SECTION 14. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than Fifty (\$50.00) Dollars.

SECTION 15. The separate provisions of this ordinance are hereby declared to be independent from one another, and if any clause, sentence, paragraph or part of this ordinance shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 16. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, safety, good order and public welfare of the citizens and inhabitants of the City of Brookings, Oregon, and emergency is hereby declared to exist and this ordinance shall be in full full force and effect immediately upon its passage by the City Council and its approval by the Mayor of the City of Brookings, Oregon.

Authenticated this 22nd. day of March, 1955.

Byron L. Brimm
Byron L. Brimm, Mayor,

Passed by the Council this 22nd. day of March, 1955.

Gladys Kanick
Gladys Kanick, Recorder.