

ORDINANCE NO. 610

AN ORDINANCE RELATING TO NUISANCES CAUSED BY ANIMALS OR FOWL; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; REPEALING ORDINANCE NO. 89; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Definitions.

A. "Animal" shall mean any and all types of animals, both domesticated and wild, male and female, singular and plural.

B. "Fowl" shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

C. "At Large" shall mean off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

D. "Ferae Naturae" shall mean animals which are by nature wild as distinguished from animals which are by nature tame.

Section 2. Running at Large. Animals and fowl are not to be permitted to run at large. No person owning or having in his custody animals or fowl shall permit same to go at large to the injury or annoyance of others, nor shall such animals or fowl be permitted at large upon the streets or the public ways of the City of Canby. Such action is declared to be a nuisance and danger to the public health and safety.

Section 3: Noises. It shall be unlawful to harbor or keep any animal or fowl which disturbs the peace by loud noises at any time of the day or night.

Section 4: Housing. No person shall cause or allow any stable or place where any animal or fowl is or may be kept to become unclean, unwholesome or unsanitary. The premises shall not be in such a state or condition as to cause an offensive odor.

Section 5: Dangerous Animals. No animal which is ferae naturae and may be dangerous to the public health or safety shall be permitted within the corporate city limits unless prior approval is obtained.

from the City Council. Before approval is given, the Council must find that proper precautions will be taken to insure the public health and safety.

Section 6: Summarily Seizing Certain Animals. Any member of the Police Department or animal control officer of the City of Canby is authorized to summarily seize any animal or fowl they believe is dangerous, or which is found running at large in violation of Section 2 of this Ordinance, or which has injured any person within the corporate city limits of the City of Canby. The seized animal or fowl shall be delivered to the pound for impounding, or otherwise confined.

Section 7: Impoundment Regulations.

A. Whenever an animal or fowl is impounded under the authority of this Ordinance and the owner or keeper of such animal or fowl is known, he shall be given notice of the impounding by personal service or by mailing the notice to the owner's or keeper's last known address. Such owner or keeper of such animal or fowl shall have five (5) days from the date of notice to claim the animal or fowl and pay the redemption fee hereinafter provided; if he fails to claim the animal or fowl within such time and pay the fees hereinafter provided, such animal or fowl shall be disposed of as hereinafter provided.

B. Whenever an animal or fowl is impounded under the authority of this Ordinance and the owner or keeper thereof is unknown, a notice shall forthwith be posted in three public places in or about the City of Canby. The notice shall contain a general description of the impounded animal or fowl, showing breed, sex, color and markings, and shall designate the date on which the described animal or fowl shall be disposed of unless sooner claimed and redeemed. Such date shall be not less than five (5) days after impounding the animal or fowl; if no claim or redemption by the owner or keeper of the described animal or fowl be made within the time fixed by the notice, such animal or fowl shall be disposed of as hereinafter provided.

C. Any animals or fowls impounded for having injured a person shall not be released until after expiration of a five (5) day period

to allow an appropriate health check. Any animal or fowl impounded under authority of this Ordinance may not be released to the owner or keeper thereof until payment to the City Recorder or his authorized agent or to the Clackamas County Dog Pound (in cases of impounded dogs) of the following fees and charges: A redemption fee of \$15.00 for administrative costs which may be changed from time to time by resolution of the City Council, plus the actual costs of boarding said animal or fowl.

D. If an impounded animal or fowl is not claimed by its owner or keeper within the time limits fixed above, it may be released to any person on payment to the City Recorder or his authorized agent or to the Clackamas County Dog Pound (in case of impounded dogs) of the fees and charges fixed in Section 7, subsection C.

E. If no claim or redemption by the owner or keeper of the described animal or fowl is made within the time fixed by the applicable notice, and if no person claims the impounded animal or fowl pursuant to Section 7, subsection D above, such animal or fowl shall be sold, given away or humanely killed at the expiration of such time.

Section 8: Record of Impoundment. The Police Department or animal control officer shall make in triplicate a detailed record of each animal or fowl impounded, showing the date and time impounded, description of the animal or fowl, name and address of the owner or keeper if known, and the name and address of the person to whom the animal or fowl is released, date of release, or date and method of other disposal. The original of such records shall be retained with the pound, and the duplicate copy shall be kept by the Police Department or animal control officer and the triplicate copy shall be filed with the City Recorder.

Section 9: Complaint, Summons and Hearing. Whenever a duly verified complaint alleging a violation of Sections 2, 3, 4, or 5 of this Ordinance is filed with the Municipal Judge, it shall be the duty of the Municipal Judge immediately to issue a summons and to deliver such summons, together with a copy of the complaint, to the Chief of Police to be served upon the person alleged to be permitting

or maintaining such nuisance, which summons shall require the person alleged to be permitting or maintaining the nuisance to appear before the Municipal Judge within seven (7) days and file his answer, showing cause and reasons if any he has, as to why the nuisance should not be summarily abated. The Municipal Judge shall herein determine the matter at the earliest possible date after the answer is filed and if the person charged with maintaining such nuisance shall be found by the Municipal Judge to be maintaining the same as charged in the complaint or to be maintaining the nuisance in any manner violating any of the provisions of this Ordinance, the Municipal Judge shall enter judgment directing abatement of such nuisance and as part of said judgment shall assess to the person found guilty of maintaining such nuisance the cost of such action.

Section 10: Abatement.

A. It shall be the duty of the Chief of Police to execute any judgment which may be entered by the Municipal Judge in the manner of abating any nuisance as provided in Section 9 of this Ordinance. In cases where the judgment requires the Chief of Police to abate a nuisance created by a dog, the Chief of Police shall seize such dog and deliver the same to the Clackamas County Poundmaster along with the instructions necessary to carry out the judgment as ordered by the Court. In the event the judgment of the Municipal Judge shall require the abatement of any nuisance caused by any fowl, cat, horse, cow or other animal, the Chief of Police shall seize such fowl or animal and appoint a keeper who shall cause such fowl or animal to be confined in an appropriate place, either within or without the corporate limits of the City of Canby, where the annoyance complained of will not be continued, and shall immediately advertize such fowl or animal for sale to the highest bidder. The purchaser shall agree in writing to keep such fowl or animal in conformance with this Ordinance; and the proceeds of the sale shall be applied by the Chief of Police as follows:

1. To the payment of any cost which may be incurred in the Municipal Court in the matter of the action for abatement of the nuisance.

2. Any cost which the Chief of Police or keeper appointed by him may incur in caring for such fowl or animal and in selling the same.

3. The surplus if any shall be delivered by the Chief of Police to the owner of such fowl or animal from whom the same was seized.

B. In addition to the remedies provided in the preceding subsection, whenever a duly verified complaint is filed with the Municipal Judge charging that a nuisance is being maintained in violation of Section 4 of this Ordinance, the Municipal Judge may issue a notice and deliver the same to the Chief of Police directed to the person charged with maintaining the nuisance, requiring such person to abate the same within seven (7) days from the date of service of such notice. In the event such person alleged to be maintaining such nuisance fails to abate the same within seven (7) days, the Municipal Judge shall process the complaint which was previously filed in the Municipal Court against such person and cause the person alleged to be maintaining the nuisance to be arrested and brought before him for hearing. At such hearing, if the person shall be found guilty as charged in the complaint, such person shall be punished as provided in Section 11.

Section 11. Penalty. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a civil violation and upon conviction thereof shall be fined in an amount not exceeding \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section 12. Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 13: Repeal. Ordinance No. 89 and all other ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.


Section 14: Finding of Emergency. This Ordinance is passed as an emergency measure and the Council does, by the vote by which this Ordinance is passed, hereby declare that an emergency exists which makes it imperative that this Ordinance should become effective forthwith in order that the public health, welfare and safety might most effectively be provided for.

Passed on its first reading at a regular meeting of the Canby City Council held on the 1st day of November, 1976; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as provided by the City Charter; and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 6th day of December, 1976, at the hour of 8:00 o'clock p.m. at the Canby City Hall.




PAUL N. ROTH - Mayor

ATTEST:



HAROLD A. WYMAN, City Recorder

Passed on final reading of the Canby City Council at a regular meeting thereof held on the 6th day of December, 1976, by the following vote: Yeas 5. Nays 0.



PAUL N. ROTH - Mayor

ATTEST:



HAROLD A. WYMAN, City Recorder