

ORDINANCE NO. 766

AN ORDINANCE RELATING TO DOG CONTROL; AUTHORIZING THE SEIZURE OF CERTAIN VICIOUS DOGS; PROVIDING FOR HEARINGS; ESTABLISHING PENALTIES; REPEALING ORDINANCE NO.'s 567 AND 733; AND DECLARING AN EMERGENCY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Definitions. As used in this ordinance:

- A. "Running at Large" shall mean off or outside the premises belonging to the owner or person having the control, custody or possession of a dog while the dog is not under the complete control of such a person by means of an adequate leash, or is not within a vehicle of such person.
- B. "Owner of Property" shall mean any person who has legal or equitable interest in said property, or who has possessory interest therein, or who resides on the property, or are guests of any person who owns, rents or leases said property.
- C. "Vicious Dog" shall mean any dog which attacks or kills other dogs, cats or domesticated animals; or which attacks or has bitten or scratched any person in such manner as to break the skin of such person leaving a visible mark or marks of such injury.

Section 2. Dogs at Large Deemed a Nuisance. It is determined as a matter of policy that any dog running at large in the City of Canby is a nuisance.

Section 3. Dogs at Large Prohibited. It shall be unlawful for any dog to run at large upon any public street, highway or public place, or upon any other person's private property within the corporate limits of the City of Canby.

Section 4. Rabies Inoculation Required. All dogs must be inoculated against rabies, unless specifically exempted by rule of the State of Oregon Health Division or State Department of Agriculture.

Section 5. Seizing Certain Vicious Dogs. A vicious dog, while running at large, may be summarily seized by any person. A vicious dog, while running at large, which has bitten or attacked any person who thereafter signs a verified complaint, may be summarily seized by any person. The dog must then be promptly delivered to any member of the police department, dog control officer of the City of Canby, or animal control officer of Clackamas County for impounding.

Section 6. Impoundment. Any member of the police department or the dog control officer of the City of Canby is authorized to seize any dog found running at large or a vicious dog, under the definition of this ordinance, upon the filing of a verified complaint by the victim.

Any vicious dog(s) impounded for having bitten or attacked a person or any vicious dog found running at large shall not be released until after an order by the Municipal Court Judge has been rendered providing for the disposition of the animal while the case is pending. In no event shall impoundment exceed sixty (60) days.

Section 7. Complaint, Citation and Hearings. Whenever a verified complaint alleging a violation of Section 3 of this ordinance is filed in the Municipal Court, the Municipal Court Judge shall cause a Citation to be issued and delivered together with a copy of the complaint to the Chief of Police to be served upon the person charged with the violation, which Citation shall require the person charged in the complaint to appear forewith before the Municipal Judge to file a response to the complaint or plead to the charges. The Municipal Judge shall determine the matter at the earliest possible date after a response is filed or a plea entered, and if the person charged with the violation is found to be guilty or at fault, the Municipal Judge shall either impose a penalty or hereinafter provided and/or may enter judgment and make an order for either (1) the destruction of the dog(s); (2) removal of the dog(s) from the City limits; or (3) require the dog(s) to be securely contained in a manner and place as specified by the court.

Section 8. Injured or Sick Dogs.

- A. The member of the police department or the dog control officer of the City who impounds any dog which is in need of medical attention, may, at his discretion, authorize the necessary medical attention, or have the dog humanely killed.
- B. The member of the police department, or the dog control officer of the City, shall make a diligent effort to locate the owner or keeper of a dog in need of medical attention before authorizing such medical attention or disposal of said dog.
- C. Should the member of the police department or the dog control officer of the City authorize the necessary medical attention, the owner or keeper of said dog shall be liable for the cost of the medical treatment rendered to said animal.

Section 9. Penalties. Any person violating any provision

of this ordinance, shall upon conviction be punished by a fine not exceeding \$500.00.

Section 10. Enforcement. It shall be the duty of the Chief of Police, or any other designated police officer, or dog control officer of the City of Canby, to enforce the provisions of this ordinance.

Section 11. Repeal of Conflicting Ordinances. Ordinance No.'s 567 and 733, enacted by the Canby City Council on May 7, 1973, and May 4, 1983, respectively and any amendments thereto, are hereby repealed.

Section 12. Emergency Declared. In view of the necessity to prescribe regulations concerning the control of dogs within the City of Canby and to further promote the safety, health and welfare of the citizens of the City of Canby, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its final reading and passage by the Canby City Council.

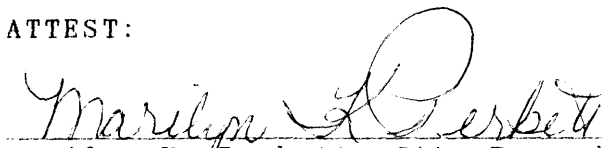
Submitted to the Canby City Council and read the first time at a regular meeting thereof Wednesday, January 2, 1985; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof to be held on January \_\_\_\_\_, 1985, after the hour of 7:30 o'clock p.m. at the Council meeting chambers at the Canby City Hall in Canby, Oregon.

  
Marilyn K. Perkett, City Recorder

Enacted by the Canby City Council at a regular meeting thereof on the \_\_\_\_\_ day of January, 1985, by the following vote: YEAS 4 NAYS 0

  
William F. Pulver, Mayor

ATTEST:

  
Marilyn K. Perkett, City Recorder