

ORDINANCE NO. 733

AN ORDINANCE RELATING TO DOG CONTROL; 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 has bitten or scratched any person in such manner as to break the skin of such person and leave a visible mark or marks of such injury.

Section 3. 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 4. Dogs not to be at large. It shall be unlawful for any person, firm or corporation who is the owner or keeper of any dog, to negligently allow it 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 5. Permitting vicious dogs to be at large. No person, being the owner of or having the control of any dangerous or vicious dog(s), shall wilfully or negligently permit the animal to be at large in any neighborhood or on any public highway within the city limits.

Section 6. Impoundment. Any vicious dog(s) impounded for having bitten 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. But in no event is impoundment to exceed thirty (30) days.

Section 7. Complaint, summons and hearings. Whenever a verified complaint alleging a violation of Section 4 or 5 of this ordinance is filed in the Municipal Court, the Municipal Court Judge shall issue a summons and deliver it together with a copy of the complaint to the Chief of Police to be served upon the person charged with the violation, which summons shall require the person charged in the complaint to appear before the Municipal Judge within seven (7) days and file an answer to the complaint or plead to the charges. The Municipal Judge shall determine the matter at the earliest possible date after an answer 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 as 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. Repeal. Any and all ordinances or parts of ordinances which are in conflict herewith are hereby repealed.

Section 9. Penalties.

a) Any person violating any provisions of this ordinance, with the exception of Section 5, shall, upon conviction be punished by a fine not exceeding \$500.

b) Any person violating Section 5 of this ordinance shall, upon conviction, be punishable by a fine not to exceed \$1,000.00, or imprisonment not to exceed one year, or by both fine and imprisonment.

Section 10. Emergency Clause. It being deemed by the Canby City Council that an emergency exists, this ordinance shall take effect immediately upon its final passage by the Canby City Council.

SUBMITTED to the Council and read the first time at a regular meeting thereof on 4th day of May, 1983; ordered posted as provided by the Canby City Charter and scheduled for a second reading and action of the Canby City Council at a regular meeting thereof to be held on the 18th day of May, 1983, commencing at 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, Deputy City Recorder