

ORDINANCE NO. 84

AN ORDINANCE REGULATING THE RUNNING AT LARGE OF DOGS IN THE TOWN OF TROUTDALE, OREGON, MAKING IT UNLAWFUL FOR THE OWNER OF ANY DOG TO PERMIT THE SAME TO RUN UPON PREMISES, STREETS OR ALLEYS OTHER THAN THE PROPERTY OF ITS OWNER, PROVIDING FOR THE IMPOUNDING AND DISPOSAL OF SUCH DOGS, PROVIDING PROCEDURES RELATING TO THE ISSURANCE OF CITATIONS FOR VIOLATIONS HEREOF, REPEALING ORDINANCE #47, AND ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF TROUTDALE:

SECTION 1. As used in this Ordinance, unless the context otherwise indicates:

- (a) The word "dog" shall mean male and female dogs, either sterilized or not, and whether licensed or not.
- (b) "Owner" shall mean any person or persons, firm association and corporation owning, keeping or harboring a dog.
- (c) "At large" shall mean off the premises of the owner and not under the control of the owner or a member of his family.

SECTION 2. It shall be unlawful for any owner of a dog to permit such dog to run at large in the Town of Troutdale at any time.

SECTION 3. Any law enforcement officer of the Town of Troutdale and any other person authorized and appointed by the Common Council of the Town of Troutdale for such purpose, as hereinafter stated, is hereby authorized and directed to take up and impound any dog or dogs running at large in the Town of Troutdale.

SECTION 4. The Marshall of Troutdale is hereby authorized and directed to secure a suitable place in which all impounded dogs may be confined and cared for during their retention, subject to the approval of the Common Council.

SECTION 5. (a) Whenever a dog is impounded, pursuant to this Ordinance, the owner of the dog, if known, shall be notified of such impounding forthwith by the Marshall and if the owner does not, within six (6) days after the date of such service upon such owner claim the dog and pay a detention fee of \$1.50 per day or fraction thereof for each day the dog is held, the dog may be disposed of to a person or agency agreeing to provide it with a suitable home or be humanely killed.

(b) In case the owner of the dog cannot be determined by the Marshall, he shall give or cause to be given public notice of such impounding by posting in a prominent place the fact of such impounding, describing the dog sufficiently to allow identification. Such public notice shall be posted at least three (3) days prior to the expiration of the six (6) day period above mentioned. If at the expiration of such six (6) day period no one claims the impounded dog and pays the redemption fee, as set forth above, the dog may be disposed of in the manner set forth above.

SECTION 6. Any dog owner believing himself aggrieved by the seizure or impounding of his dog may apply to the Municipal Court for the release of such dog, and the Court shall thereupon set a time and place for hearing such application, and upon a summary hearing the Court shall have full power to determine whether the dog has been wrongfully impounded and whether the dog shall be returned to the owner and upon what terms.

SECTION 7. Any person who violates this ordinance may be punished by a fine of not less than \$5.00 nor more than \$25.00 and each violation shall constitute a misdemeanor. This fine shall be in addition to the redemption fee charged in this ordinance for dogs which have been impounded.

SECTION 8. The Marshall shall keep a record of dogs impounded which shall show the date, age, color, sex and breed, if known, and shall also record the disposition made of each dog impounded, indicating the fees charged and the fines assessed against any person in violation of this ordinance. A duplicate of such records shall be filed monthly with the City Recorder of the Town of Troutdale and shall be deemed public records of the town. All fines and redemption fees collected under this ordinance shall be placed in the general fund of the town unless the Common Council provides for other disposition.

SECTION 9. (a) A form of citation approved by the town council of the City of Troutdale and the City Recorder, shall be provided for the use of the Municipal Court in cases where the person cited is alleged to own a dog in violation of any section of this ordinance. Each form shall be serially numbered, shall plainly indicate the violation alleged, and shall direct the person cited to appear in response thereto at the Municipal Court of the Town of Troutdale on an indicated date.

(b) The citation form shall be worded as a complaint. The original of the citation form shall be designated the "complaint" and may serve as such when properly signed. The second copy of the citation form shall be designated the "summons" and shall serve as such when issued to the person named thereon. The summons copy shall specify a bail, as fixed by the Municipal Court, for the type of violation indicated on the citation, and shall state that Court appearance may be waived by forfeiture of bail posted prior to the date of appearance.

(c) Whenever a summons is issued and served, the issuing officer shall return the complaint to the Municipal Court within twenty-four hours. If, for any reason, the citation must be invalidated, the officer invalidating it shall return the entire citation with the reason for such invalidation noted thereon.

SECTION 10. The Municipal Court may dismiss the complaint in any citation issued a person alleged to have owned a dog in violation of this ordinance if the Court has good reason to believe the citation is issued in error or that manifest injustice would be done. The reason for the dismissal shall be noted by the Court on the back of the complaint.

SECTION 11. The Municipal Court, in its discretion, may designate certain days of the week and certain hours thereof, for hearing persons appearing in response to the summons in any citation issued a person alleged to have owned a dog in violation of this ordinance, provided that all persons so cited shall be given adequate opportunity to be heard, and further provided that the issuing officer shall be notified of such designated days and hours. The Municipal Court shall issue a bench warrant for any person who fails to appear in answer to the summons on the day and hour he is cited to appear or failed to post bail prior to such day. The Judge of the Municipal Court shall keep adequate records of each citation issued which said records shall contain notations as to all facts of the case, together with the disposition of the case.

SECTION 12. 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 effect the remainder of this Ordinance or impair or invalidate it in any manner, 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 13. Ordinance #47 and all ordinances and parts of Ordinances of the Town of Troutdale in conflict with this Ordinance are hereby repealed insofar as they do conflict.


SECTION 14. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the Town of Troutdale in the judgment of the Common Council, now, therefore, an emergency is hereby declared to exist and this Ordinance shall be in force and effect from and after its passage by the Common Council of the Town of Troutdale and its signing by the mayor.

Passed by the Common Council of the Town of Troutdale this 11 day of May, 1965.

YEAS: 4

NAYS: 0

Signed by the mayor this 13 day of May, 1965.


MAYOR

ATTEST:


RECORDER