

ORDINANCE NO. 1137-A

INTRODUCED BY COMMISSIONER:

AN ORDINANCE REGULATING THE RUNNING AT LARGE OF DOGS; PROVIDING FOR THE IMPOUNDING OR DESTRUCTION OF DOGS AND PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NOS 676-A, 679-A, 866-A, AND ANY OTHER ORDINANCE IN CONFLICT HEREWITH.

The City of Warrenton does ordain as follows:

Section 1. Dogs Not to be at Large. It shall be unlawful for a dog to run at large or be permitted to run at large.

Section 2. Definition of Terms. As used in this ordinance:

- (a) "Dog" shall mean either male or female of the species.
- (b) "Owner" shall mean:
 - 1. The person shown on the application for license of a dog as the owner is the owner of such dog.
 - 2. The adult occupants of a dwelling shall be presumed to be the co-owners of any dogs housed in such dwelling or on the premises thereof.
- (c) "At large" shall mean off or outside the premises belonging to the owner having the control, custody or possession of the animal while the animal is not under the complete control of such person or within a vehicle of such person.
- (d) "Control" shall mean to have power over, or exercising restraining or directing influence over by means of an adequate leash or under voice control. "Voice Control" means the complete control by such person in the immediate vicinity of the animal. If the animal creates a nuisance or acts unlawfully as defined in this code, such acts will in and of themselves determine that the animal was not under voice control.

Section 3. Dogs Which are Nuisances. A dog is a public nuisance if it:

- (a) Bites a person.
- (b) Habitually chases vehicles or persons.
- (c) Damages or destroys property of persons other than the owner of the dog.
- (d) Scatters garbage.
- (e) Habitually trespasses on private property of persons other than the owner of the dog.
- (f) Disturbs any person by frequent or prolonged noises.
- (g) Is a female in heat and running at large.

Section 4. Seizing Certain Dogs. A dog found biting a person or showing a propensity to bite persons may be summarily seized by any person and promptly delivered to the police department, humane officers, or any other authorized law enforcement department or officer for impounding.

Section 5. Dogs Required to be Licensed. A dog shall be licensed according to the laws of the state or county, and no person shall own or have custody of a dog not so licensed.

Section 6. Impounding. A dog which is running at large, is a nuisance, or is unlicensed is in violation of the ordinance and shall be impounded by the chief of police, humane officer or any other authorized law enforcement officer. Such officer shall impound it or cite the owner or keeper to court.

Section 7. Pound Regulations. Whenever a dog is impounded pursuant to the provisions of this ordinance, in case the owner, or custodian of the dog is known to the impounding official, he shall forthwith give notice of the impounding by personal service or by mail upon the owner or custodian; and if the owner or custodian does not, within three days after the date of service of the notice, claim the dog and pay a redemption fee as established by the Clatsop County Animal Control, the dog may be humanely killed or disposed of to a person agreeing to provide it a suitable home.

Section 8. Right of Appeal. A dog owner, believing himself aggrieved by the seizure and impounding of his dog, may apply to the municipal judge for the release of his dog, and the municipal judge shall thereupon set a time and place for hearing the application and notify the enforcing officer; and upon a summary hearing at such time and place, the municipal judgment shall have full power to determine whether the dog has been wrongfully impounded, and whether he shall be returned to his owner and upon what terms.

Section 9. Solid Waste. It is unlawful for a person owning or keeping a dog to allow the dog to deposit solid waste matter on any property other than that of the person owning or keeping the dog, but it is a defense to this action if such owner or keeper removes the solid waste deposited by the dog on any property other than his/her own.

Section 10. Interference with Officer. It is unlawful for any person to interfere in any way with any police officer of the City or duly authorized animal control officer engaged in seizing or impounding any dog under the authority of this ordinance.

Section 11. Penalties.

- (a) A violation of any provision of this ordinance may be punishable by a fine not to exceed \$500.00.
- (b) Each violation of a separate provision of this ordinance shall constitute a separate offense, and each day that a violation of this ordinance is committed or permitted to continue shall constitute a separate offense.
- (c) The abatement of a nuisance under Section 3 of this ordinance is an additional remedy and not a penalty for violating this ordinance. The imposition of a penalty

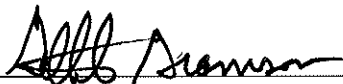
does not relieve a person of the duty to abate a nuisance.

Section 12. Effective Date. This ordinance shall take effect 30 days after its adoption.

ADOPTED by the City Commission of the City of Warrenton this day of July 2009.

First Reading: June 23, 2009

Second Reading: August 11, 2009



Gilbert Gramson, Mayor

ATTEST



Linda Engbretson, City Recorder