



ORDINANCE 2010-013

AN ORDINANCE AMENDING CHAPTER 6.04 OF THE SHERWOOD MUNICIPAL CODE PERTAINING TO DOGS

WHEREAS, In order to protect the health, safety and welfare of the residents and citizens of the City and to provide for control of dogs and protection of dogs therein, the City Council of the City of Sherwood does enact the following ordinance.

WHEREAS, This ordinance is intended to be complimentary to existing Oregon Revised Statute (ORS) and Washington County Code (WCC). Application and enforcement of this ordinance may be done in conjunction with any provision of ORS or WCC as allowed by law.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Chapter 6.04 Dogs, of the Sherwood Municipal Code is hereby amended as follows.

6.04.005 Definitions

Dangerous dog: Means any dog that has, due to the lack of proper and adequate supervision and control by its keeper, committed a harmful act against human beings.

Dog: Means any domestic mammal of the canine family.

Dog running at large: Means a dog off or outside the premises of its keeper, not restrained by a rope, line, leash, chain, or other similar tether not more than six feet (6') in length. If a dog is not restrained by a tether of some kind, is not contained by the continuous fence of a yard or dog park that dog shall be deemed at large.

Athletic fields: Means any natural grass baseball, soccer or football or lacrosse field, or any other clearly marked athletic field that is contained by a fence, and all synthetic turf fields whether fenced or not.

Harmful act: Means the unprovoked biting, chasing and attempted biting or nipping, or jumping upon and knocking down; while the dog is off or outside the premises of the keeper.

Keeper: Means any person who keeps, has custody of, controls, is responsible for the care of, possesses or harbors a dog, or otherwise permits a dog to reside on property owned by the person, whether or not the person has an ownership interest in the dog. In a family situation, the adult head(s) of the household are presumed to be the keepers, jointly and severally, of the dog.

6.04.010 Unlicensed Dogs Prohibited

It is unlawful to keep, or be the keeper of, any dog that is not properly and currently licensed through Washington County Animal Services.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a fifty dollar (\$50.00) fine.

6.04.020 Animal Public Nuisance Prohibited

Noise Disturbance. It is unlawful for the keeper of any dog to permit any sound produced by the dog which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others.

Animal Waste. It is unlawful for the keeper of any dog to permit the dog to defecate upon public property or upon the private property of another, unless the person immediately removes the feces and properly disposes of it.

Harassing other animals. It is unlawful for the keeper of any dog to permit the dog to chase or bite another animal, provided the chasing or biting occurs off or outside the premise of the keeper.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a two hundred and fifty dollar (\$250.00) fine. (Ord. 01-1111 §§ 1--3)

6.04.030 Dog Running At Large Prohibited

It is unlawful for the keeper of any dog to permit the dog to run at large.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a two hundred and fifty dollar (\$250.00) fine. (Ord. 06-010 § 1) (Ord. 04-014 § 1 (part))

6.04.040 Dogs Prohibited From Athletic Fields.

It is unlawful for the keeper of any dog to permit the dog to be on or about any athletic fields. (Ord. 05-015 § 1)

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a one hundred and fifty dollar (\$150.00) fine. (Ord. 04-014 § 1 (part))

6.04.050 Dangerous Dogs Prohibited

It is unlawful for any person to be the keeper of a Dangerous Dog.

Penalty: Violations of this subsection shall be classified as a Class B violation punishable by up to a five hundred dollar (\$500.00) fine.

Section 2. Effective Date: This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 17th day of August 2010.


Keith S. Mays, Mayor

ATTEST:


Sylvia Murphy, CMC, City Recorder

	AYE	NAY
Folsom	<u>Absent</u>	_____
Clark	<u>Absent</u>	_____
Weislogel	<u>✓</u>	_____
Henderson	<u>✓</u>	_____
Grant	<u>Absent</u>	_____
Heironimus	<u>✓</u>	_____
Mays	<u>✓</u>	_____

Title 6-
ANIMALS

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Chapters:
~~6.04 Dogs~~

Chapter 6.04 DOGS

Sections:

~~6.04.005 Definitions.~~

~~6.04.010 Adoption of county dog control ordinance Unlicensed Dogs Prohibited.~~

~~6.04.020 Amendments to county dog control ordinance Animal Public Nuisance Prohibited.~~

~~6.04.030 Animal noise disturbances.- Dog Running at Large Prohibited.~~

~~6.04.035 Dogs prohibited from running at large.~~

~~6.04.040 Animal waste disposal Dogs Prohibited from Athletic Fields.~~

~~6.04.050 Dogs prohibited from certain public facilities.-Dangerous Dogs Prohibited.~~

~~6.04.100 Penalty.~~

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~~WHEREAS, This ordinance is intended to be complimentary to existing Oregon Revised Statute (ORS) and Washinton County Code (WCC). Application and enforcement of this ordinance may be done in conjunction with any provision of ORS or WCC as allowed by law.~~

6.04.005 Definitions

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Dog: Means any domestic mammal of the canine family.

Dog running at large: Means a dog off or outside the premises of its keeper, not restrained by a rope, line, leash, chain, or other similar tether not more than six (6') feet in length. If a dog is not restrained by a tether of some kind, is not contained by the continuous fence of a yard or dog park that dog shall be deemed at large.

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6.04.010 Unlicensed Dogs Prohibited

It is unlawful to keep, or be the keeper of, any dog that is not properly and currently licensed through Washington County Animal Services.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a fifty dollar (\$50.00) fine.

Adoption of county dog control ordinance.

A.—The dog control ordinance of Washington County, being Ordinance No. 138, enacted November 20, 1973, by the board of county commissioners, and effective January 1, 1974, and as now or hereafter amended, is by this reference incorporated into this chapter and made a part hereof as the dog control ordinance of the city of Sherwood, Oregon, except as hereinafter specifically amended, modified or deleted, and shall be known and pled as the city dog control ordinance. Violation of Ordinance No. 138, as now or hereafter constituted, shall be an offense against the city of Sherwood.

B.—One copy of Ordinance No. 138, and any amendments thereto, shall be kept on file in the office of the city recorder.

(Ord. 658 § 1, 1975)

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6.04.020 Animal Public Nuisance Prohibited

Noise Disturbance. It is unlawful for the keeper of any dog to permit any sound produced by the dog which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

Animal Waste. It is unlawful for the keeper of any dog to permit the dog to defecate upon public property or upon the private property of another, unless the person immediately removes the feces and properly disposes of it.

Harassing Other Animals. It is unlawful for the keeper of any dog to permit the dog to chase or bite another animal, provided the chasing or biting occurs off or outside the premise of the keeper.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a two hundred and fifty (\$250.00) fine. (Ord. 01-1111 §§ 1-3)

Washington County Ordinance No. 138, as by the ordinance codified in this chapter adopted for application to the city of Sherwood, is amended and changed in the following particulars:

A.—References to "Washington County," "board of county community commissioners," "county counsel," "district court," "district judge" and other similar references are amended to read "city of Sherwood," "city council," "city attorney," "municipal court of Sherwood," "municipal judge of Sherwood" and other city positions, as appropriate.

B.—Section 2, relating to definitions, is amended to add an additional definition, as follows: (17) "Dog control officer" means any peace officer and any dog control officer of the city of Sherwood or of Washington County.

C.—Section 4, relating to prohibited activities, is amended to delete subsection A(10) relating to acts of cruelty to animals.

D.—Section 10, relating to claims for livestock killed by dogs, is amended to read:

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~~Sec. 10 Claims for Livestock Killed by Dogs. The owner of any livestock killed by any dog may submit claims to Washington County pursuant to the provisions of the Washington County dog control ordinance.~~

~~E. Section 11 and Section 12 are deleted.~~

~~F. Section 14, relating to penalties, is amended to replace the phrase, "Ordinance No. 77 or Ordinance No. 93 of Washington County" in Paragraph D with the phrase, "City of Sherwood Ordinance No. 658."~~

~~G. Section 15, relating to enforcement procedures, is amended by revising subsection A(1) to read:~~

~~1. In addition to other procedures authorized by law, a Uniform Dog Control Citation conforming to the requirements of this Subsection "A" may be used for all dog control ordinance violations committed in the presence of the complainant and which occur in the city of Sherwood, Oregon.~~

~~H. Section 16, relating to the effective date, is deleted.~~

~~(Ord. 98-1049 § 3; Ord. 658 § 2, 1975)~~

6.04.030 Dog Running at Large Prohibited Animal noise disturbances.

It is unlawful for the keeper of any dog to permit the dog to run at large.

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a two hundred and fifty (\$250.00) fine. (Ord. 06-010 § 1) (Ord. 04-014 § 1 (part))

A. Noise Disturbance Prohibited. A noise disturbance is any sound produced by animals, which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others within the limits of the city.

B. Penalty. Offenses of the ordinance codified in this chapter shall be classified as a Class C violation punishable by up to a two hundred fifty dollar (\$250.00) fine.

C. If there are two or more complaints from two or more separate residences with a twelve (12) month period and if the owner is convicted for the same offense more than three times, the offending animal must leave the Sherwood City limits permanently.

(Ord. 01-1111 §§ 1-3)

6.04.035 Dogs prohibited from running at large.

A. It is a Class C violation for any person to be the keeper of a dog running at large or demonstratively out of control which is punishable by a written warning followed by fines of up to two hundred fifty dollars (\$250.00) per occurrence.

B. If there are two or more complaints within a twelve (12) month period involving the same dog running at large and if the keeper is convicted of this violation three or more times, the owner must remove that dog permanently from the city.

(Ord. 06-010 § 1)

6.04.040 Dogs Prohibited from Athletic Fields. Animal waste disposal.

It is unlawful for the keeper of any dog to permit the dog to be on or about any athletic fields.

(Ord. 05-015 § 1)

Penalty. Violations of this section shall be classified as a Class C violation punishable by up to a one hundred and fifty dollar (\$150.00) fine. (Ord. 04-014 § 1 (part))

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~~_any person owning or having control or custody of any animal to permit the animal to defecate upon public property or upon the private property of another unless the person immediately removes the feces and properly disposes of it.
(Ord. 04-014 § 1 (part))~~

6.04.050 Dangerous Dogs Prohibited~~Dogs prohibited from certain public facilities.~~

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~~A.—It is unlawful for any person to be the keeper of a dangerous dog.~~

~~Penalty. Violations of this subsection shall be classified as a Class B violation punishable by up to a five hundred dollar (\$500.00) fine.~~

~~owning, keeping, possessing, harboring or otherwise reasonably believed to be in possession of a dog to cause, permit, suffer or allow such dog to be at large on or about the following public facilities:~~

- ~~1. The synthetic turf field at the Sherwood High School; and~~
- ~~2. The synthetic turf fields at Sunset Park.~~

~~B.—As used in the foregoing subsection, "dog" means all members of the domesticated canine (canine familiaris) three months of age or older and "at large" means unrestrained or not otherwise under the control (through the use of a lead or line not more than six feet in length) of the owner or other person acting for the owner or who is a person having possession of the dog.
(Ord. 05-015 § 1)~~

~~6.04.100 Penalty.~~

~~Violation of the provisions of this chapter shall be classified as a Class C violation punishable by a fine of up to two hundred fifty dollars (\$250.00).~~

~~(Ord. 04-014 § 1 (part))~~