

ORDINANCE NUMBER 368

AN ORDINANCE TO REGULATE THE KEEPING AND RUNNING AT LARGE OF DOGS: TO PROHIBIT THE OWNER OR CUSTODIAN OF ANY DOG FROM ALLOWING THE DOG TO RUN LOOSE OR BE AT LARGE UPON ANY STREET OR IN ANY PUBLIC PLACE: TO AUTHORIZE THE IMPOUNDING, SELLING, OR KILLING OF DOGS FOUND LOOSE AND AT LARGE IN VIOLATION OF THIS ORDINANCE: TO AUTHORIZE CONTRACTING FOR THE KEEPING AND DISPOSING OF DOGS TAKEN INTO CUSTODY PURSUANT TO THIS ORDINANCE AND FOR THE GIVING OF NOTICE TO THE OWNERS OR CUSTODIANS OF SUCH DOGS CONCERNING THE IMPOUNDING AND DISPOSING THEREOF: PROVIDING FOR ENFORCEMENT OF THIS ORDINANCE BY THE CHIEF OF POLICE: PROVIDING FINES AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; ~~REPEALING~~ ORDINANCES NUMBERED 262 and 263; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person, firm, or corporation owning or having the custody of any dog to permit such dog to run loose or be at large upon any of the public streets, highways, or other public places within the corporate limits of the City of Stayton. Any dog found upon any public street, public alley, highway or other public place within such city shall be deemed to be running loose or to be at large within the meaning of this ordinance, unless such dog is under control by means of a chain, leash, or other device or be in or upon any vehicle and, while therein or thereon, be under the personal control of the owner or custodian thereof.

Section 2. It shall be unlawful for any dog to run loose or be at large upon any of the public streets, public alleys, highways or other public places in the City of Stayton, and the Marshal or his agent, or any police officer of the city is authorized to impound any dog running loose or at large.

Section 3. The city, through its Mayor and Recorder, may enter into a contract with any person, firm, corporation or public agency, herein designated "caretaker", for the care, disposal, or recovery by or return to the owner or custodian, of any dog impounded or taken into custody under authority of this ordinance. Before such a contract shall become effective it shall be approved by the Council. Such contract shall provide the rate of compensation for the keeping of dogs delivered for care or disposal and the fees and costs of redemption of dogs received by owners or custodians. Such contract further shall provide for the humane destruction of unclaimed dogs that are not sold or reclaimed.

Section 4. Whenever any dog shall be impounded under authority of this ordinance or taken or delivered to the caretaker designated in Section 3 hereof, the Marshal or his agent shall give written notice thereof by personal service upon the owner or custodian of such dog, if such

person be known to the Marshal or his agent. If such owner or custodian so notified does not claim such dog within five days from the date of service of such notice and pay the redemption fee provided herein such dog shall be delivered to the aforesaid caretaker.

Section 5. Whenever any dog shall be impounded under authority of this ordinance and the owner or custodian thereof shall be unknown, the Marshal shall cause notice to be posted for five (5) consecutive days in a conspicuous place at the city hall and in a conspicuous place at the location where the dog is impounded, and if no redemption be made within such time by the owner or custodian of the dog by payment of the sum hereafter stated, the dog shall be delivered to the aforesaid caretaker. Such notice shall state the date of posting and the date of expiration of the redemption right, and that if not reclaimed or redeemed within such time, the dog will be delivered to the aforesaid caretaker, and shall state the color, sex, and breed, in so far as the breed can be reasonably determined.

Section 6. Any dog impounded hereunder shall be released to the owner or custodian thereof at any time prior to the expiration of time of any notice above provided for, upon payment of the redemption fee of \$1.00, and any such dog shall be released to the owner or custodian thereof after such time upon payment of such fee plus an additional \$1.00 for expense of keeping such dog unless such dog has been delivered to the caretaker designated in Section 3 hereof. If such dog has not been killed as hereinabove provided the owners or custodian may reclaim the dog upon payment of such fee or charges as are payable under the aforesaid contract with the caretaker. The release of any dog under this section shall not be deemed to be a waiver of any right of the city to proceed against the owner under section 1 of this ordinance.

Section 7. Notwithstanding the provisions of this ordinance, any owner or custodian of any impounded dog may, prior to the expiration of the time of any notice above provided for, file with the Marshal or his agent a written objection to the impounding of such dog, and the Marshal or agent shall forthwith transmit the objection to the Recorder, who shall thereupon within three (3) days after receipt of such objection, hold a hearing upon the question of the rightful impounding of such dog, and upon completion of such hearing shall enter a judgement sustaining the impounding or ordering release of the dog. Such hearing may be extended from day to day by the Recorder.

Section 8. The Marshal shall keep a duplicate record of all dogs impounded hereunder, showing date and time impounded; a reasonable description of the dog showing sex, and approximate age, weight, breed, and coloring; name of owner or custodian where known; disposition of dog; and moneys received. The originals of all such records shall be delivered to the Recorder at the end of each month, and the copies retained by the Marshal. Such records shall be retained by the Marshal and the Recorder for at least one year. Before delivering any dog to a person not the owner, the Marshal shall take a receipt from such person, describing the dog and containing an agreement to deliver the dog to the rightful owner.

Section 9. It shall be unlawful for any person to interfere in any manner with the Marshal or any police officer of the city seizing and impounding or attempting to seize or impound any dog running loose or at large within the city.

Section 10. It shall be unlawful for any person to release or attempt to release any dog impounded hereunder, without permission of the Marshal.

Section 11. The expense of impounding and caring for dogs impounded hereunder or cared for under contract as in Section 3 provided, shall be paid from the special fund for such purpose.

Section 12. Any person convicted of violating any provision of this ordinance shall be punished by a fine of not to exceed \$25.00, or by imprisonment in the city jail for a period of one day for each \$2.00 of such fine, not exceeding 10 days.

Section 13. Ordinances numbered 262 and 263 are repealed.

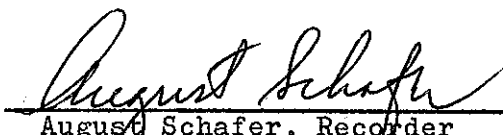
Section 14. It hereby is adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety; and, owing to the urgent necessity of maintaining the public credit, an emergency is declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

PASSED by the Common Council this 5th day of June, 1967.

Signed by the Mayor this 5th day of June, 1967.


Harold O. Freres, Mayor

ATTEST:


August Schafer, Recorder