

ORDINANCE NO. 490

AN ORDINANCE TO REGULATE THE KEEPING AND RUNNING AT LARGE OF WILD OR DOMESTIC ANIMALS OR FOWL; PROVIDING FOR IMPOUNDMENT, HANDLING AND SPECIAL FEES, AUTHORIZATION AND MANNER OF DISPOSAL; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; REPEALING ORDINANCES NUMBERED 250, 252, AND 368.

The City of Stayton ordains as follows:

Section 1. Ordinances numbered 250, 252, and 368 and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 2. Enforcement. Sections 1 to 26 shall be enforced by the police chief or any other police officer or an animal control officer, or any other person designated or appointed by the council, which person shall for the purposes of Sections 1 to 26 be referred to as the animal control official.

Section 3. Definitions. As used in Sections 1 to 26, the following words and phrases mean:

Animal. Any one of the lower animals as distinguished from and not including man, belonging to the kingdom Animalia of living beings, typically differing from plants, and including fowl.

Domestic. Domesticated by man so as to live and breed in a tame condition and normally amenable to human habitats.

Fowl. A bird of any kind.

Livestock. Horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, domesticated fowl, and any fur-bearing animal bred and maintained commercially or otherwise within pens, cages and hutches.

Owner of Property. Any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

Running at Large. Off or outside the premises belonging to the owner or person having control, custody, or possession of the animal, or not in the company of and under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.

Wild. Those animals which normally live in a state of nature and are not ordinarily tame or domesticated and usually not amenable to human habitats.

Section 4. Animals - Nuisances.

(1) Any wild or domestic animal is determined to be a nuisance if it:

(1) Runs at large within the city limits upon any public street or other public place or trespasses upon private property not owned or controlled by the owner or custodian of such animal.

(b) Makes excessive or unreasonable noise in such a manner as to disturb or annoy any person or deprive any person of peace and quiet, other than the owner or keeper of such animal.

(c) Causes injury to a person or shows a propensity to cause injury to persons.

(d) Chases vehicles or persons.

(e) Injures or kills an animal belonging to a person other than the owner or custodian of such animal.

(2) An injury to a person means and includes, at the minimum, the breaking or scraping of bodily tissue of any person, no matter how slight.

(3) An animal which is a nuisance may be seized and impounded in accordance with the procedures set out in Sections 12 to 19.

(4) Any owner or person in charge of an animal which is a nuisance is punishable in accordance with Section 27.

Section 5. Wild Animals.

(1) It is unlawful for any person to keep or possess or otherwise maintain under his control any wild animal within the city limits, except for purposes of public display.

(2) Public display means keeping in a public place approved by the council for the sole purpose of exhibiting wild animals held in captivity and open to the general public during reasonable hours.

(3) In addition to the provisions of Section 4, no wild animal shall be allowed to run at large upon the property of the person authorized to keep, possess, or otherwise control such animal.

Section 6. Dangerous Animals.

(1) Except as provided in Section 5, it is unlawful for any person to keep, possess, or otherwise maintain under their control any dangerous, ferocious, or biting animal.

(2) Dangerous, ferocious, or biting animals include any such animal which, with a lack of provocation, is likely to injure, attack or otherwise threaten the lawful presence of any person or animal.

Section 7. Licensing.

(1) Every person owning or keeping any animal requiring a license as may be defined by federal state, county, or municipal law or regulation shall be responsible for maintaining proof of current licensing or registration of such animal in accordance with the specific regulation or law requiring the license.

(2) License tags, when required, shall be attached to the animal when such animal is not in the immediate possession or direct supervision of the owner or keeper.

Section 8. Cruelty to Animals. Except as otherwise authorized by law, no person shall intentionally or recklessly:

- (1) Subject any animal under human custody or control to cruel mistreatment.
- (2) Subject any animal under his control or custody to cruel neglect.
- (3) Kill without legal privilege any animal under the custody or control of another, or any wild fowl.

Section 9. Cruelty to Animals - Specific Acts. Cruel mistreatment or neglect as used in Sections 8 and this section shall include, but not be limited to: overdriving, overloading, overworking, torturing, tormenting, cruel beating, mutilation, deprivation of necessary sustenance, or abandonment of any animal. Such mistreatment or neglect also consists of permitting any animal under human control or custody to be subject to any of the above acts.

Section 10. Removal of Carcasses. No person may permit the carcass of any animal kept, possessed, or otherwise maintained under his control to remain upon any public street or other public place or upon any private property for over 24 hours.

Section 11. Housing of Animals.

- (1) The owner or keeper of any animal shall provide adequate shelter for such animal. Adequate shelter means that which provides protection from the meteorological elements.
- (2) No shelter for any livestock or wild animal shall be constructed or maintained within 20 feet of any dwelling house.
- (3) No person may keep or house any live fowl or livestock in any dwelling house.
- (4) The council may prohibit the housing or keeping of any animal within the city limits when such keeping or housing may impair the public health, welfare, or safety, or create a nuisance. The council may direct the animal control official to deliver a written notice to the owner or keeper of such animal directing him to remove the animal within seven days from the service of such notice.
- (5) No person who keeps, possesses or otherwise maintains any animal shall allow the accumulation of

raw or untreated animal manure to occur upon any property, whether public or private. The accumulation of animal manure, whether treated or not, which creates an offensive odor is prohibited.

Section 12. Impoundment - Authority.

(1) Any animal control official is authorized to impound any animal found running at large, unlicensed, or otherwise in violation of any of the provisions of Sections 1 to 26.

(2) Any animal found biting another person, or which has caused injury as defined in Section 4 to any person, may be summarily seized by any person and promptly delivered to the animal control official.

Section 13. Impoundment - Notice.

(1) When the owner of an animal impounded under Section 12 is known, the owner or keeper shall be given notice of the impoundment, either orally or in writing, by personal service or by mailing to such owner or keeper's last known address.

(2) When the owner or keeper of an impounded animal is not known, a notice of such impoundment shall be posted in three public places within the city. The notice shall contain a general description of the animal, showing breed or common type animal name, sex if known, color, and general markings, and shall designate the disposition date, of said animal, unless sooner redeemed.

Section 14. Impoundment - Redemption by Owner.

(1) Owners or keepers of impounded animals shall have five days from the date of notice of impoundment, whether mailed, posted, or delivered orally, to claim the animal and pay the redemption fees. If the owner or keeper fails to claim the animal within that time, the animal shall be disposed of as provided in Sections 15 and 17.

(2) The owner or keeper of an impounded animal may redeem the animal upon payment to the city administrator of a redemption fee for each animal impounded, plus the actual cost of boarding such animal, together with all applicable license fees required if the animal is not licensed upon impoundment.

(3) The impoundment fee as provided in Subsection (2) above shall be \$25.00 per animal for each impoundment.

Section 15. Impoundment - Redemption by Other Than Owner.

(1) If an impounded animal is not claimed by its owner or keeper within the limits fixed in Section 14 it may be released to any person who pays to the recorder the fees and charges outlined in Section 14.

(2) Such redemption will be subject to the claims of the owner of such animal upon reimbursement of the fees and charges so paid, and provided that the owner makes his claim within one month of the date of impoundment.

(3) Upon releasing any animal to a person other than its owner, the animal control official shall obtain and keep a written receipt from such person, acknowledging that such person holds the animal subject to the claims of the owner for one month, upon reimbursement of the fees and charges paid.

(4) No fines or fees shall be assessed against any person having control, custody, or possession of an animal who, upon appearance before the municipal court, is found not guilty, or upon motion before the court whose complaint for violation of this ordinance is dismissed.

Section 16. Impoundment - Biting Animal.

(1) Any animal impounded for biting a person shall not be released until after the expiration of a 14-day quarantine period to allow an appropriate health check by a licensed veterinarian of the state.

(2) The cost of any health check required by this section shall be borne by the owner or keeper of such animal, or by any other person seeking to redeem the animal.

Section 17. Disposition of Impounded Animals. If no person claims or redeems an impounded animal within the time fixed by the applicable notice, such animal shall be sold, given away, or humanely killed at the expiration of such time by the animal control officer.

Section 18. Disposition of Habitual Offenders. In addition to any fines or other penalties provided by this Code, if any animal has been repeatedly found to be a public nuisance under the provisions of this Code, the court may order such disposition of the animal as the court considers necessary for the safety or health of the public.

(3) The impoundment fee as provided in Subsection (2) above shall be \$25.00 per animal for each impoundment.

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Section 19. Record of Impound.

(1) The animal control official shall make in duplicate a detailed record of each animal impounded.

(2) Such record shall show the date and time impounded, description of the animal impounded, name and address of the owner or keeper, if known, and the name and address of the person to whom the animal is released, the date of release, or the date and method of other disposal.

(3) The original of such records shall be kept with the impounding official; the duplicate copy shall be filed with the recorder.

Section 20. Interference With Animal Control Personnel.

(1) It is unlawful for any person to interfere in any way with an animal control official engaged in enforcing, seizing, impounding, or lawfully disposing of any animal under the authority of Sections 1 to 26.

(2) It is unlawful to release any animal from the custody of the animal control official, after such animal has been seized or impounded under the authority of Sections 1 to 26.

Section 21. Injured or Sick Animals.

(1) Any animal control official who has lawfully seized or impounded an animal under the provisions of Sections 1 to 26 and determines that the animal is in apparent need of immediate medical attention due to illness or injury, may at his discretion, authorize the necessary medical attention or have the animal humanely killed.

(2) The animal control official shall make a reasonable effort to locate the owner or keeper of such sick or injured animal before authorizing such medical attention or disposal of the animal.

(3) The owner or keeper of such sick or injured animal shall be liable for any costs incurred for medical treatment rendered to the animal.

Section 22. Vehicles Injuring Animals.

(1) Any person operating a vehicle who runs over, strikes, injures, maims, or kills any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass if such animal is killed.

(2) Such person shall in any case make a reasonable inquiry to determine the owner of such animal, and, if the owner is found, notify him of the occurrence, and also report the same to the animal control official.

Section 23. Rabid Animals.

(1) If a domestic animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be securely confined on the owner's premises and shall be placed under the observation of a licensed veterinarian, at the owner's expense, for 14 days. The owner shall notify the animal control official that his animal has been exposed to rabies. At his discretion, such official may order the animal removed to a veterinary hospital, at the owner's expense, for the two-week observation period.

(2) It is unlawful for any person, knowing or suspecting that a domestic animal or wild animal under such person's control has rabies, to allow such animal to be taken off his premises or beyond the city limits without the written permission of the animal control official.

(3) Every owner, or any other person, upon ascertaining that an animal may have rabies shall immediately notify the animal control official, who is responsible for disposition of the animal, except as provided in Subsection (4) below.

(4) Any animal which is reasonably believed to be infected with rabies and poses an immediate hazard or threat to the welfare of any person, domestic animal, or livestock may be summarily killed in as humane a manner as is practicable under the existing circumstances.

Section 24. Killing of Certain Animals Permitted. Any animal, whether domestic or wild, which presents an eminent threat of serious physical injury or death to any person or other animal, or which has caused a serious injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in Sections 12 to 16, may be summarily killed in as humane a manner as is practicable under the existing circumstances.

Section 25. Applicability of Existing State Law. Violation of any state law regulating the keeping, possession, or maintenance of any animal is a violation of this Code, except in those matters wherein the Justice, District, or Circuit Courts of this state maintain exclusive jurisdiction for hearing such matters.

Section 26. Method of Enforcement. Any person authorized to enforce the provisions of Sections 1 to 26 may issue an approved ordinance violation citation form to any person found in violation of the provisions of such sections. The approved form shall be of a type that may be sent by regular mail or delivered in person, with the scheduled bail amount enclosed therein by the person receiving such citation, in lieu of a summons to appear in municipal court.

Section 27. Penalties. Violation of Sections 1 to 26 of this ordinance shall be punishable upon conviction in the Municipal Court by a fine of not to exceed \$250.00 for each violation.

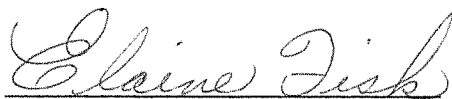
Section 28. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, an emergency is hereby declared and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

PASSED by the Council this 17th day of October, 1977.

APPROVED by the Mayor this 20th day of October, 1977.


M A Y O R

ATTEST:


City Clerk

ORDINANCE NO. 489

AN ORDINANCE LEVYING A SPECIAL PROPERTY TAX OF \$25,200.00 PER YEAR OUTSIDE THE CONSTITUTIONAL SIX PERCENT LIMITATION FOR A PERIOD OF FIVE YEARS BEGINNING WITH THE FISCAL YEAR 1978-79 FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PURCHASE OF A NEW FIRE TRUCK AND OTHER EQUIPMENT FOR THE CITY FIRE DEPARTMENT; SUBMITTING SUCH ORDINANCE TO THE LEGAL VOTERS FOR THEIR APPROVAL OR REJECTION AT THE GENERAL ELECTION TO BE HELD NOVEMBER 8, 1977; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. For the purpose of providing funds for the purchase of new equipment for the city fire department, including a new fire truck, and for no other purpose, the Council each year for a period of five consecutive years, beginning with the fiscal year 1978-79, shall levy a special property tax of \$25,200.00 per year outside the limitation imposed by Article XI, Section 11, of the constitution of the State of Oregon. The proceeds of said tax levies and such interest as may accrue thereon shall be set aside in a "Fire Equipment Fund" separate and distinct from other funds of the city.

Section 2. As provided by ORS 280.080, the Council estimates that the total outlay for the purposes authorized by this Ordinance, will be in the sum of \$126,000.00. If at the end of the levy taxation period any funds remain in the fire equipment fund, they shall remain in the same fund which is described in Section 1 of this Ordinance.

Section 3. This Ordinance is submitted to the legal voters of the City of Stayton for their approval or rejection at the general election to be held between the hours of 8:00 A.M. and 8:00 P.M., November 8, 1977.

Section 4. The following ballot title prepared by the City Attorney, under which this Ordinance shall be submitted to the voters of the city, is hereby approved and adopted:

ORDINANCE REFERRED TO THE VOTERS BY THE CITY COUNCIL

Shall Ordinance No. 489 of the City of Stayton be adopted to authorize a tax levy by the City Council of \$25,200.00 per year outside the limitation imposed by Article XI, Section 11, of the State Constitution, for five consecutive years beginning with the fiscal year 1978-79 to provide funds for the purchase of new fire equipment for the city, including a new fire truck, and for no other purpose, at an estimated aggregate cost from said levies over the said five year period, of \$126,000.00

53 YES I vote for the Ordinance

53 NO I vote against the Ordinance.

Section 5: That the polling places and the clerks for said election shall be the same as those for the general election.

The Recorder is hereby instructed to post notices of such election in the manner provided by Ordinance No. 242 of such city, and to furnish to the election board of the County any necessary records, ballot box, tally sheets, and supplies.

Such election shall be conducted in accordance with the election laws of the State of Oregon, and with the Charter and Ordinances of the City of Stayton.

Section 6. It is hereby adjudged and declared that existing conditions in the City of Stayton are of such that this Ordinance is necessary for the immediate preservation of the peace, health, safety, and general welfare of the city and the inhabitants thereof, and an emergency hereby is declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED BY THE COMMON COUNCIL THIS 3rd DAY OF October, 1977.

APPROVED BY THE MAYOR THIS 4th DAY OF October, 1977.


MAYOR

ATTEST:


City Recorder