

Ordinance No. 263

To amend Ordinance No. 262 of the Town of Stayton which ordinance is to regulate keeping and running at large of dogs; regulating impounding of dogs and disposal of same; and providing penalties for violation, to read as follows, to-wit:

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That between April first and August 31st of each year commencing April 1st, 1945, it shall be unlawful for any person owning or having the custody of any dog to permit such dog to run at large upon the public streets, highways, and other public places within the corporate limits of the Town of Stayton. The term "person" shall include a firm or corporation; and all dogs found upon any public street, highway or other public place within said town limits shall be deemed running at large unless such dog be under control by means of a chain, leash or other reasonable means.

Section 2. It shall be unlawful from and after said date, for any dog to run at large as defined in Section 1, and the Marshal or his agent, or any police officer is authorized to impound any dog running at large.

Section 3. Whenever any dog shall be impounded under authority of this ordinance the Marshal or his agent shall give written notice thereof to the owner or custodian of the dog, if known, and if such owner shall fail to redeem the dog by payment of the sum hereafter stated, within five (5) days after giving such notice, the dog shall be humanely killed. Such notice may be given personally, in which case the time commences to run from time of delivery; or notice may be given by registered mail, in which case the time commences to run on the day following the date of the posting of such registered notice. For this purpose, any person whose name appears on any plate or tag worn by such dog shall be deemed the owner or custodian thereof; or if the dog bear a license number, the person at whose request such license was issued shall be deemed the owner or custodian of the dog.

Section 4. 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 be 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 humanely killed. Such notices shall state the date of posting and the date of expiration of redemption right, and that such dog will thereafter be killed, and shall state the color, sex and breed so far as the same can be reasonably distinguished.

Section 5. 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 dog impounded hereunder shall be released to the owner or custodian thereof at any time after expiration of time of any notice upon payment of such redemption fee of \$1.00, plus an additional \$1.00 for expense of keeping the dog, unless such dog shall have been killed as above provided. All such moneys shall be paid to the town Treasurer and placed in the general fund.

Section 6. Notwithstanding the provisions of this Ordinance, any owner or custodian of any impounded dog may, prior to the expiration of any time of any notice above provided for, file with the Marshal or his agent a written objection to the impounding of such

Repealed by Ord #268

dog, and the Marshal or agent shall forthwith transmit the same 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 judgment sustaining the impounding or ordering release of the dog. Such hearing may be extended from day to day by the Recorder.

Section 7. Notwithstanding any of the provisions of this Ordinance, the Marshal may, and he hereby is authorized, after expiration of the time for redemption of any dog as above provided, to deliver any impounded dog to any person upon payment of the redemption fee of \$2.00; but such delivery shall be subject to the claim of the rightful owner of such dog who shall be entitled to demand and receive the same upon refund to such other person of the \$2.00 fee, plus the reasonable amount of the expense of keeping such dog from the time of release from the pound to time of demand and payment by the said owner. Before so delivering any dog to a person not the owner, the Marshal shall take a receipt from such person containing an agreement to so deliver the dog to the rightful owner.

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.

Section 9. It shall be unlawful for any person to interfere in any manner with any person seizing and impounding, or attempting to seize or impound any dog.

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 shall be paid out of the general fund of the town of Stayton.

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.

*The foregoing ordinance proposed by
Initials Reletion and adopted at regular
election Nov-7-1944 by a vote of 246
votes for and 243 against. Mayor's proclamation
published Stayton Mail Nov-16-1944*