

ORDINANCE NO. 697

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 6., "ANIMALS," AND DECLARING AN EMERGENCY.

WHEREAS, Title 6., "Animals," of the Stayton Municipal Code pertains to the control and registration of animals, specifically dogs; and

WHEREAS, the City of Stayton collects fees for the registration of dogs; and

WHEREAS, it is the intent of the City that the registration fees be imposed to partially reimburse the City for providing animal control and registration services; and

WHEREAS, the City finds it collected \$4,063 in dog license fees in 1990-1991 and expended \$10,000 for animal control personnel and services in 1990-1991; and

WHEREAS, charges which are a "tax" under Article XI, Section 11-b. of the Oregon Constitution must be certified to the county tax assessor; and

WHEREAS, it is not the intent of the City that the charges imposed by Title 6. be a tax on real property; and

WHEREAS, the Common Council wishes to establish that animal registration charges imposed by that title are not a "tax" as defined by Article XI., section 11-b. and therefore do not have to be certified to the county tax assessor for collection; and

WHEREAS, the Common Council of the City of Stayton wishes to amend certain sections of Title 6.;

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

SECTION 1: STAYTON MUNICIPAL CODE TITLE 6., "Animals," Chapter .04, "Animal Control," is hereby amended to read:

6.04.010 STATE STATUTES ADOPTED

Violation of state statutes shall be an offense against the city and the procedures therein provided, insofar as possible, apply to the city except as modified in the Stayton Municipal Code.

6.04.020 DEFINITIONS

As used in this chapter, the following words and phrases mean, as set out in this section:

1. **ANIMAL:** Any one of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.
2. **DOMESTIC ANIMAL:** An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.
3. **ENFORCEMENT COMPLAINT:** That document(s) which, when properly served upon the alleged violator of an ordinance which is punishable as an infraction, brings the matter before the appropriate court for resolution. An enforcement complaint shall provide a scheduled fine, set by the municipal judge, which may be paid in lieu of appearance in court.
4. **FOWL:** A bird of any kind.
5. **INFRACTION:** An offense or violation of a city ordinance punishable only by a fine, forfeiture, suspension, or revocation of the registration or other privilege, or other civil penalty.
6. **INJURY:** Includes, at minimum, the breaking or scraping of bodily tissue of any person or animal, no matter how slight.
7. **KEEPER:** Any person, firm, or association having the custody of or authority to control the animal.
8. **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.
9. **MISTREATMENT:** Improper care of an animal, which includes but is not limited to abusive treatment, neglect, overdriving, overloading, torturing, tormenting, cruel acts, beating, mutilation, deprivation of necessary sustenance, or abandonment of any animal.
10. **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.
11. **REGISTRATION:** Written information, notation or memorandum of record filed with city or applicable public body, in accordance with its laws and rules.
12. **RUNNING AT LARGE:** An animal which is off or outside the premises belonging to the owner, keeper, 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.

13. WILD ANIMAL: An animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.

6.04.030 ENFORCEMENT AUTHORITY

Title. 6 shall be enforced by the chief of police or any other police officer or any other person designated or appointed by the chief of police. For the purposes of this Title, those officers or persons are referred to as the "animal control official."

6.04.040 ENFORCEMENT COMPLAINT

1. Any person authorized to enforce the provisions of this Title may issue an enforcement complaint to any person found in violation of the provisions of this Title.
2. The issuing official shall cause the enforcement complaint to be delivered to the person alleged to have violated the provisions of this Title.

6.04.050 INTERFERENCE WITH ANIMAL CONTROL OFFICIAL

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 this Title.
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 this Title.

6.04.060 REGISTRATION REQUIREMENTS

1. Every person owning or keeping any animal requiring registration or a license as may be defined by federal, state, county, or municipal law or regulation shall register or license such animal in accordance with the specific regulation or law requiring the registration or license.
2. Registration 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.

6.04.070

IMPOUNDMENT: AUTHORITY

1. Any animal control official is authorized to impound any animal found in violation of any of the provisions of this Title.
2. Any animal which bites a person or another animal or which has caused injury to any person or another animal may be summarily seized by any person and, if seized, shall be promptly delivered to the animal control official.
3. Any animal control official may house an animal impounded under the provisions of this title at a city kennel, a veterinary clinic, or other animal shelter.

6.04.080

IMPOUNDMENT: NOTICE

1. When the owner of an animal impounded under the provisions of this title 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 or cannot be contacted, 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, as provided in this Title, unless sooner redeemed.

6.04.090

IMPOUNDMENT: REDEMPTION BY OWNER OR KEEPER

1. Owner or keepers of impounded animals shall have five (5) days from the date of notice of impoundment, whether mailed, posted, or delivered orally, to claim the animal. If the owner or keeper fails to claim the animal within five days' time, the animal shall be disposed of as provided in this Title.
2. The owner or keeper of an impounded animal may redeem the animal upon payment to the city of the impoundment fee for such animal. If the animal is not registered upon impoundment, upon redemption such person shall either register the animal or provide a written agreement to register the animal within five (5) days of redemption.
3. The impoundment fee as provided in subsection 2. of this section shall be twenty dollars (\$20.00) for the first impoundment and thirty-five dollars (\$35.00) for each subsequent impoundment.

4. If the animal is impounded at a veterinary clinic or other animal shelter, the owner shall pay, in lieu of the impoundment fee provided for in subsection 3., any costs resulting from the impoundment directly to the clinic or shelter.

6.04.100 **IMPOUNDMENT: REDEMPTION BY OTHER THAN OWNER OR KEEPER**

1. If an impounded animal is not claimed by its owner or keeper within the limits fixed by this Title, it may be released to any person who pays the city the fees and charges required by this Title plus any costs for medical treatment. The chief of police may waive the impoundment fee.
2. Such redemption, by other than the owner or keeper, will be subject to the claims of the owner or keeper of such animal upon reimbursement of the fees and charges so paid, including charges for medical treatment, and provided that the owner or keeper makes claim within fourteen (14) days of the date of impoundment.
3. Upon releasing any animal to a person other than its owner or keeper, the animal control official shall obtain and keep a written receipt from such person acknowledging that such person agrees to hold the animal for fourteen (14) days, subject to the claims of the owner or keeper. Upon reimbursement by the owner or keeper of the fees and charges paid, the owner or keeper shall regain custody of the animal.

6.04.110 **IMPOUNDMENT: DISPOSITION OF ANIMAL**

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 destroyed by the animal control official at the expiration of such time.

6.04.120 **IMPOUNDMENT: SICK OR INJURED ANIMALS**

1. Any animal control official who has lawfully seized or impounded an animal under the provisions of this title and determines that the animal is in apparent need of immediate medical attention due to illness or injury, may authorize the necessary medical attention and/or have the animal destroyed.
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 destruction 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 and/or for its destruction.

4. If the owner or keeper of such sick or injured animal is not located, the animal may be disposed of as provided in section 6.04.110.

6.04.130 IMPOUNDMENT: RECORDKEEPING

1. The animal control official shall make a report of each animal impounded.
2. Such report shall indicate the date and time impounded, where seized and where impounded, description of the animal impounded, name and address of the owner or keeper, if known. Upon disposition of the animal, the report shall indicate the name and address of the person to whom the animal is released, the date of release, or the date it is destroyed.

6.04.140 OFFENSES

1. A dog shall not run at large within the city limits upon any public street or other public place or trespass upon private property not owned or controlled by the owner or keeper of such animal.
2. Any domestic or wild animal shall not:
 - a. Make 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;
 - b. Cause injury to a person, animal, or property, or show a propensity to cause injury to persons, animals, or property;
 - c. Chase persons or vehicles;
 - d. Injure or kill an animal belonging to a person other than the owner or keeper of such animal;
 - e. Chase, injure, or kill any animal raised or kept for use or profit;
 - f. Damage property belonging to a person other than the animal's owner or keeper.
3. No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property, whether public or private.
4. No person shall:

- a. Subject any animal to mistreatment;
 - b. Kill any animal under the custody or control of another without legal privilege.
5. Any owner, keeper, or person in charge of an animal found to have committed an offense is punishable in accordance with Section 6.04.290.

6.04.150 DANGEROUS ANIMALS

1. No person shall keep, possess, or otherwise maintain under their control any dangerous, ferocious, or biting animal.
2. "Dangerous, ferocious, or biting animal" includes 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.
3. In addition to any fines or other penalties provided in this code, the council may order such disposition of any dangerous, ferocious, or biting animal as it considers necessary for the safety or health of the public.

6.04.160 WILD ANIMALS

1. No person shall keep or possess or otherwise maintain 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. No wild animal shall be allowed to run at large or to run at large upon the property of the person authorized to keep, possess, or otherwise control such animal.

6.04.170 DISPOSITION OF HABITUAL OFFENDERS

In addition to any fines or other penalties provided herein, if an animal has been found to repeatedly violate the provisions herein, the council may order such disposition of the animal as it considers necessary for the safety or health of the public.

6.04.180 SHELTER REQUIREMENTS

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. The council may prohibit the housing or keeping of any animal within the city limits when such housing or keeping may impair the public health, welfare, 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 the owner or keeper to remove the animal within seven (7) days from the service of such notice.

6.04.190 DEAD ANIMALS: CARCASS REMOVAL

No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property for over twenty-four (24) hours.

6.04.200 SUMMARY DESTRUCTION OF CERTAIN ANIMALS

Any animal, whether domestic or wild, which presents an imminent threat of serious physical injury or death to any person or other animal, or which has caused injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in this chapter, may be summarily destroyed in as humane a manner as is practicable under the existing circumstances.

6.04.210 RABID ANIMALS

The statutes and regulations of the State of Oregon and Marion County, Oregon shall apply.

6.04.220 RESERVED

6.04.230 RESERVED

6.04.240 RESERVED

6.04.250 RESERVED

6.04.260 RESERVED

6.04.270 RESERVED

6.04.280 RESERVED

6.04.290 VIOLATION: PENALTY

A violation of a provision of this chapter is punishable as an infraction by a fine not to exceed Five Hundred (\$500.00) dollars.

SECTION 2: STAYTON MUNICIPAL CODE TITLE 6., "Animals," Chapter .08, "Dog Registration," is hereby amended to read:

6.08.310 DEFINITIONS

As used in this chapter:

1. DOG: Male and female canine.
2. KEEPER: Any person, firm, or association having the custody of or authority to control the animal.
3. KENNEL: Any lot or premises on which four or more dogs more than six months old are kept.

6.08.320 REGISTRATION REQUIRED

Every dog that resides within Stayton and that has developed permanent canine teeth or is six months old, whichever occurs first, shall be registered according to the terms and requirements in this title. The registration year shall be the same as the calendar year. No dog may be registered without proof of rabies inoculation as provided in this title.

6.08.330 REGISTRATION FEES

1. The following animal registration fees shall be applicable and payable to the city as of January 1st of each year, and shall be paid no later than March 1st of each year.
 - a. For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the city, eight dollars (\$8.00);
 - b. For each dog kept primarily in a kennel and not permitted to run at large, eight dollars (\$8.00), so long as the dog is not taxed as inventory pursuant to ORS 307.400. In the event that the dog is so taxed, a fee shall not be charged for the registration of that dog;

- c. For the first dog owned by a resident of Stayton who is sixty-five years of age or older as of January 1st of each year, the registration fee shall be five dollars (\$5.00) if the dog is shown to be spayed or neutered. For each additional dog, the regular applicable fee shall be charged;
 - d. For each dog registered by a resident of Stayton who is disabled, "disabled" describing a person who has been classified as or determined to be totally disabled by any state or federal agency, and who presents verification thereof from the classifying agency, the registration fee shall be three dollars (\$3.00) if the dog is shown to be spayed or neutered as provided in this title, and nine dollars (\$9.00) if the dog is not spayed or neutered. For each additional dog, the regular registration fee shall be charged. No registration fee shall be required for any dog kept by a blind person who uses it as a guide. No registration fee shall be required for any dog kept by a deaf person who uses it as a guide. Accompanying the registration, the applicant shall provide an affidavit verifying that the dog comes within this exemption;
 - e. For any other dog, Fifteen Dollars (\$15.00).
2. Where a person establishes residence in the city or is the keeper of a dog after January 1st of each year, or where a person is the keeper of a dog who turns six months of age or develops permanent canine teeth, that person shall have thirty (30) days within which to register the dog as provided in this title. The registration fee shall be prorated on a monthly basis.
 3. The keeper of a dog that loses its registration tag shall obtain a replacement. The cost of the replacement is two dollars (\$2.00) and is valid for the same period of time as the original registration.

6.08.340 RABIES INOCULATION REQUIRED

Prior to registration, the city shall require proof of rabies inoculation that is valid for the entire year for which the dog is registered, and properly certified by a licensed veterinarian, unless the dog for which registration is sought is specifically exempted by the State Health Division or the State Department of Agriculture. The animal control official shall keep on record such evidence of inoculation for future years. Where the dog is too young or otherwise not able to receive inoculation safely, a veterinarian's certificate as to this fact may be submitted in lieu of the rabies inoculation.

6.08.350 RESERVED

6.08.360 RESERVED

6.08.370 RESERVED

6.08.380 RESERVED


6.08.390 VIOLATION: PENALTY

1. Any owner or keeper who fails to register a dog by the dates provided in this chapter shall be assessed a late penalty of five dollars (\$5.00) per dog in addition to the applicable regular license fee, and twenty dollars (\$20.00) for each enforced late penalty.
2. ENFORCED LATE PENALTY: Assessment upon an owner or keeper of a dog who failed in a timely manner to register the dog and was issued a citation for no registration.

SECTION 3: It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code sections relating to animal control is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.


PASSED BY THE COMMON COUNCIL of the City of Stayton this _____ day of _____ 1991.

Date: 12-4-91

By: 
WILLMER VAN VLEET, Mayor

ATTEST

Date: 12-03-91

By: 
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: NOV 20 1991

By: 
DAVID A. RHOTEN, City Attorney

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