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ORDINANCE NO. 189

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AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE IN THE CITY OF DUNDEE, OREGON, MAKING IT UNLAWFUL FOR THE OWNER OF ANY DOG TO PERMIT THE SAME TO RUN UPON PUBLIC PROPERTY UNLESS IT IS ATTACHED TO A LEASH OR UNDER THE CONTROL OF THE OWNER OR KEEPER THEREOF, PROVIDING FOR THE IMPOUNDMENT OF DOGS AND DECLARING AN EMERGENCY.

THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:

Section 1. The word "dog" as used in this ordinance shall mean all dogs, male and female, sterilized or not, and whether licensed or not.

Section 2. As used in this ordinance, any dog shall be considered "running at large" when:

(a) It is not under the control of its owner, possessor or keeper by leash or other means of restraint, and it is upon any street, highway, sidewalk, city park or other public property.

(b) It is on the premises of a person other than the owner, possessor or keeper of the dog without the consent of the occupant of such premises.

Section 3. It shall be unlawful in the City of Dundee for any owner, possessor or keeper of a dog to permit the same to run at large.

Section 4. Whenever any dog is found performing any of the activities in Section 2 or Section 3 of this ordinance or has bitten any person or animal, a dog control officer, any police officer, any owner or private person may impound it immediately by delivering the dog to the City of Dundee Police Department.

Section 5. All police officers of the City of Dundee and any special officer appointed by the Chief of Police are hereby authorized and directed

to take up and impound any dog or dogs running at large in the City of Dundee. The Dog Control Officer of Yamhill County may be appointed as a special officer by the Chief of Police with the consent of the council.

Section 6. The Police Department of the City of Dundee is hereby authorized and directed to secure a suitable place in which all impounded dogs may be cared for during their retention.

Section 7. Whenever any dog shall be impounded under authority of this ordinance, the Chief of Police or such special officer shall make a record thereof, and file the same in the Police Department, which record shall describe the dog as to coloring, sex, breed, if known, and size, and if the dog is licensed, the number of the license and the name of the owner or keeper, if known. At said time, the Chief of Police shall send by certified mail a copy of the information to the owner, if known, and if not known, to the keeper of the dog if known, addressed to the owner or keeper as the case may be, at his last known address.

Section 8. Any dog impounded under the authority of this ordinance may be released to the owner or keeper thereof by the Chief of Police upon payment of a redemption fee of \$2.00 if redeemed within two days of the date of the impoundment, and \$1.00 additional for each day thereafter.

Section 9. Whenever any dog shall be impounded under authority of this ordinance and shall not be released to the owner or custodian thereof as herein provided, such dog shall be kept for a period of five days, after which such dog shall be released to some person as hereinafter provided, or shall be humanely killed.

Section 10. Whenever any dog shall be impounded under the authority of this ordinance and the owner or keeper of such dog shall not appear and claim such dog and pay the redemption fee provided herein within seven days from the giving of notice as herein provided, the Chief of Police is hereby authorized and empowered to deliver such dog to any person who will properly care for said dog upon the payment of the redemption fee of \$6.00. Such delivery shall be subject to the claim of the rightful owner of said dog and the payment by him to said person of the redemption fee paid to the City and the reasonable expense of keeping said dog up to the time of the claim by the owner; and the Chief of Police at the time of making any such delivery shall take a written receipt from such person acknowledging that such person holds the said dog subject to the claim of the rightful owner upon the payment of the redemption fee paid by such person and the reasonable expense of keeping such dog up to the time of claim by the owner, and the Chief of Police shall not deliver any dog impounded hereunder to any person under the provisions of this section without receiving the receipt herein provided for.

Section 11. All periods of time named in this ordinance shall be computed by excluding from the computation the day upon which the impounding shall be made.

Section 12. The Chief of Police shall keep a duplicate record of dogs impounded, which shall show the date and time when impounded, and a description of the dog, and in said record an entry shall be made showing the disposition of said dog. The duplicate of said record and all delivery receipts shall be filed monthly with the City Recorder of the City and shall be deemed

public records of the City.

Section 13. The expense of caring for dogs under this ordinance shall be paid out of the General Fund of the City of Dundee, and all moneys paid in redemption fees shall be credited to the General Fund of the City.

Section 14. Any dog owner who feels himself aggrieved by the seizure and impounding of his dog, may apply to the Municipal Judge for the release of such dog, and the Municipal Judge shall thereupon set a time and place for hearing such application and notify the Chief of Police, and upon a summary hearing at such time and place, the Municipal Judge shall have full power to determine whether the dog has been wrongfully impounded, and whether he shall be returned to his owner and upon what terms.

Section 15. Any person violating any of the provisions of this ordinance shall be fined according to the following schedule:

First Offense: A fine of not less than Five Dollars (\$5.00) and not more than Three Hundred Dollars (\$300.00).

Second and Subsequent Offenses: A fine of not less than Twenty-five Dollars (\$25.00) and not more than Three Hundred Dollars (\$300.00).

A violation which occurs more than one year after the last violation shall be considered as a first offense.

Section 16. The separate provisions of this ordinance are hereby declared to be independent from one another, and if any clause, sentence, paragraph or part of this ordinance shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in

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its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 17. Emergency Clause. The council desires and deems it necessary for the preservation of the health, peace and safety of the City of Dundee that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the council this 6 day of July, 1976.

AYES: Scott, Jones, Graft, Keller

NAYS: _____

Submitted to and approved by the Mayor on the 6 day of July, 1976.

John R. Swatten
Mayor

ATTEST:

Jeanne Livingston
City Recorder