

466A
AMENDED ORDINANCE NO. 466

AN ORDINANCE PROHIBITING DOGS FROM RUNNING AT LARGE AND OTHER ACTIVITIES BY DOGS AND THEIR OWNERS AND KEEPERS: PROVIDING PENALTIES; AND REPEALING ORDINANCES 86, 234, AND 409; AND DECLARING AN EMERGENCY.

The City of Willamina, Oregon, ordains as follows:

Section 1. Definitions. As used in this ordinance, the following terms shall be defined as follows:

- (a) "Dog", means any mammal of the canine family.
- (b) "License", means that license required to be issued annually for each individual dog pursuant to the provisions of ordinances of the county in which the dogs' owner-keeper resides.
- (c) "Dog running at large", means a dog off or outside of the premises of the owner/keeper, not restrained by a rope, line-leash or other similar means.
- (d) "Owner/keeper", means a person 18 years of age or older who is responsible for the dog. (Each term is interchangeable and means the same).
- (e) "Public nuisance", means a dog that does any of the following:
 1. Bites a person.
 2. Chases vehicles or persons.
 3. Damages or destroys the property of persons other than the owner/keeper of the dog.
 4. Trespasses on private property of persons other than the owner/keeper of the dog.
 5. Disturbs any person by unreasonably frequent or prolonged noises.
 6. Running at large if the owner/keeper has been convicted of three prior offenses of permitting a dog to run at large within a 12 month period.
- (f) "Vicious or dangerous dog", means any dog which snaps at, pursues or bites human beings, except that a dog shall not be considered a vicious or dangerous dog under this ordinance if the dog snaps at, pursues or bites a person who is wrongfully assaulting the dog or the dog's owner/keeper or if the dog snaps at, pursues, or bites a person trespassing on the premises occupied by the dog's owner/keeper, after being provoked by that person.

Section 2. It shall be unlawful for the owner/keeper of any dog to:

- (a) Permit a dog to run at large.
- (b) Allow a dog to become a public nuisance, except that a dog shall not be considered a public nuisance under this ordinance if the dog snaps at, pursues or bites a person who is wrongfully

assaulting the dog or the dog's owner, or if the dog snaps at, pursues or bites a person trespassing on the premises occupied by the dog's owner, after being provoked by that person.

(c) To own, keep or possess a dog that has been declared dangerous unless that dog is properly and adequately enclosed, and when not enclosed, restrained and/or muzzled to protect the public.

(d) To keep a dog with knowledge that it has injured livestock.

(e) To keep a dog without a license attached to its collar, as required by this ordinance, when it is subject to the licensing provisions of this ordinance.

(f) To keep an unlicensed dog, when that dog is subject to, the licensing provisions of this ordinance.

(g) To keep a dog which has not received its rabies inoculation as required under ORS 433.365. It shall be an affirmative defense to a violation of this provision that the dog was inoculated prior to trial, and the charge shall be dismissed upon the presentation to the trial court of a certificate of inoculation signed by a veterinarian.

Section 3. Each dog, when in a public place, on a public street or sidewalk, or on property other than of its owner/keeper, shall be on a leash of not more than six feet in length and under direct control by its owner/keeper by said leash.

Section 4. Any dog found to be running at large within the City Limits shall be seized by any police officer of the City of Willamina finding said dog and lodged in the city pound. A reasonable attempt to contact the owner/keeper of the dog shall be made by the officer. If the owner/keeper has not been located and contacted by the next regular working day, the dog will be transferred to the Yamhill County Dog Control.

Section 5. Any dog kept within the city limits of Willamina shall be licensed under the provisions of the county of residence of its owner/keeper.

Section 6. Any violation of this ordinance shall be punishable, upon conviction, by a fine not to exceed \$250.00, and restitution may be ordered for any property damaged. In addition to fines or restitution, the Court may order such disposition of the dog that the Court considers necessary for the safety or health of the public, including but not limited to having the dog declared "vicious or dangerous dog" or having the dog destroyed.

Section 7. Ordinances No.86,234 and 409 are hereby repealed.

Section 8. Emergency Clause. The Council desires and deems it necessary for the immediate preservation of the health, peace and safety of the City of Willamina and the inhabitants thereof

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that this amended ordinance take effect at once; an emergency is hereby declared to exist and this ordinance shall go into effect immediately upon its adoption by the Council and approval by the Mayor.

Passed by this Council this 5 day of September, 1985.

AYES: Coddington, McNamara, Hehlen, Muligin, Chippa, Carpenter

NAYS: _____

Submitted to and approved by the Mayor this 5 day of September, 1985.

Kevin Burke
Mayor

ATTEST:

Dorine Lee Olson
City Recorder