

ORDINANCE NO. 5718

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 6.04 AND REQUIRING THE LICENSING OF DOGS, REGULATING THE CIRCUMSTANCES UNDER WHICH MORE THAN TWO MATURE DOGS CAN BE KEPT ON A SINGLE PROPERTY, AND ESTABLISHING AN ANIMAL CONTROL ASSESSMENT TO BE IMPOSED UPON VIOLATORS.

WHEREAS, ordinances of Linn and Benton counties currently require dogs to be licensed; and

WHEREAS, the Albany Municipal Code does not currently have a requirement that dogs within the City be licensed; and

WHEREAS, enforcement of county dog licensing requirements will be enhanced by the adoption of a corollary licensing requirement in the Albany Municipal Code; and

WHEREAS, violators of animal regulations should be assessed a fee to help defray the cost of animal control and enforcement; and

WHEREAS, the current two-dog limit imposed by the Albany Municipal Code is inflexible and does not provide a non-discretionary exception for pet owners who scrupulously abide by all animal control regulations.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Dog Licenses Required. AMC Chapter 6.04 is amended by the inclusion of Section 6.04.010 to read as follows:

“6.04.010 Dog License Required.

(1) Any person, family, or business owning or keeping a dog which has a set of permanent canine teeth or is six months old, whichever comes first, shall license said dog(s) pursuant to the ordinances and/or regulations of the county wherein the dog is kept.

(2) The license tag supplied by the county shall be attached securely to a collar or harness on the dog whenever the dog is outdoors and not contained within a fenced yard, enclosed pen, or by a chain on the property of the owner.”

Section 2: Exception to Two Dog Limit. AMC 6.04.015 is amended to read as follows:

“Number of Dogs Permitted.

(1) Except as provided in subsection (2) of this section, no person, family, or business shall keep more than two dogs past the age of six months on any property within the City except within a kennel which has been approved in accordance with the City of Albany Development Code regulations. **For purposes of this section, a dog shall be deemed to be “kept” by any adult person who resides at the property on which the dog(s) is housed or maintained. A dog shall not be deemed “kept” if it is being temporarily cared for and is licensed to a third-party who is not a resident of the household.**

(2) **Any person, family, or business wishing to keep more than two (2) dogs past the age of six (6) months as an exception to section (1) above may apply for a permit to do so and shall be issued a permit allowing the keeping of not more than four (4) if all of the following criteria are met: The City Manager may grant an exemption to the limits set forth in subsection (1) of this section pursuant to procedure, criteria, and terms set forth in this subsection:**

(a) The applicant has fully completed an application in a form provided by the City Manager and/or his/her designee for that purpose; and Procedure. ~~The procedure to be used for an exemption shall be as follows:~~

~~(i) An applicant for an exemption shall file an application with the City Manager accompanied by an application fee of \$50.00. The application shall specify the number of dogs sought to be kept and any proposed conditions or restrictions which the applicant is willing to observe as a condition of the exemption. The City Manager may promulgate an application form for this purpose.~~

~~(ii) Upon receipt of an application, the City Manager shall mail a copy thereof to all property owners shown, on City records, to own property within 300 feet of the proposed exemption location. Accompanying the mailing will be a notice from the City Manager inviting written comments concerning the application to be submitted within 10 days.~~

(b) The applicant has provided proof that all of the applicant's adult dogs are fully licensed by the county of the applicant's residence; and Criteria. ~~The City Manager may grant an exemption permitting the keeping of more than two dogs past the age of six months, upon a determination that the dogs are unlikely to become a nuisance as defined in AMC 6.04.170.~~

(c) Neither the applicant, nor any person residing with the applicant have been convicted of the violation of any ordinance, code, or regulation, concerning the care, possession, maintenance, or control an animal within five (5) years prior to the application; and Terms. ~~Any exemption granted by the City Manager may be limited in duration, or subject to special terms or conditions as determined to be appropriate by the City Manager. The exemption may be revoked by the City Manager following written notice to the exempt property owner setting forth the grounds for the proposed exemption revocation and allowing written comment, within 10 days, by the exemption holder.~~

~~(i) The issuance of an exemption or its revocation shall not be void as a result of the failure of any person to receive any of the notices required herein.~~

~~(ii) The City Manager may delegate the authority granted by this section to other City staff members as he/she deems appropriate.~~

(d) The applicant has paid a fee of \$50.

(3) The exception provided for in Section (2) shall be revoked without the need for any administrative or judicial action in the event that the exemption holder or any person residing with the exception holder is or has been convicted of any violation of any animal control regulation of the City of Albany or Linn or Benton counties, or any other unit of government.

(4) The exception to the two-dog limit set forth in subsection (2) above shall be valid for a period of three (3) years, after which a new application shall be required in the event that applicant wishes to continue the exemption.

(5) The exemption provided for herein may be revoked at any time by the City Manager or his/her designee upon a finding that the exemption holder is no longer eligible for the exemption under the criteria set forth herein. The City Manager shall provide the permit exemption holder with a written notification of the grounds for revocation of the exemption and give the exemption holder an opportunity to be heard orally or in writing upon such reasonable terms as the City Manager may proscribe. The decision of the City Manager shall be final.

Section 3: Animal Control Assessment. AMC 6.04.190 Violation – Penalties is amended to read as follows:

“(1) Any person violating any of the provisions of this chapter is subject to those penalties set forth in Section 1.04.010 of this code. In addition to the penalties therein provided, the court may direct the destruction of any dog that is a biter of persons or killer of domesticated animals.

- (2) In addition to those penalties provided for in section (1) above, any person violating any of the provisions of this Chapter shall be assessed an Animal Control Assessment of \$100, in addition to such other fines and assessments as may be set by the Court.
- (3) Violations of any provision of this Chapter shall be prosecuted as strict liability offenses, subject only to the violation penalties and procedures of AMC Chapter 1.04.010.”

Passed by the Council: July 8, 2009

Approved by the Mayor: July 8, 2009

Effective Date: August 7, 2009



Mayor

ATTEST:



City Clerk

