

ORDINANCE NO. 3299

Sec 1(16) Rep by Ord 3462

TITLE: An Ordinance amending Ordinance No. 1166 as amended providing for the issuance and sale of dog licenses; providing for the collection of dog license fees and cooperation with the County Court; prohibiting dogs from running at large within the City of Albany, Oregon, and making it unlawful for the owner of any dog to permit the same to run upon the premises, streets or alleys other than the property of its owner unless it shall be under leash; providing penalties for violation hereof and declaring an emergency and repealing all ordinances or parts of ordinances in conflict herewith.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. AMENDMENT.

Ordinance No. 1166 of the City of Albany, as amended, shall be further amended to read as follows:

- (1) **DOGS.** That the word 'Dog' as used in this ordinance shall mean male and female dogs, either sterilized or not, and whether licensed or not."
- (2) **AGREEMENT WITH COUNTY.**

The City of Albany is hereby authorized to enter into an agreement with the County Court of Linn County, Oregon, authorizing the City to enforce the collection of dog license fees in the said City in the manner provided in ORS. Sec. 609.120.

- (3) **ISSUANCE OF LICENSE.**

The recorder of the City of Albany is hereby authorized and directed to issue dog licenses as provided in ORS Sec. 609.120 and together with license to issue a tag bearing the same number as the licensee; to collect from the owner or person having possession of such dogs in the City of Albany and to pay to the Clerk of Linn County all fees so collected, payment to be made quarterly.

- (4) **LICENSE FEE.**

Every person owning or keeping any dog over the age of six (6) months within the City of Albany shall, not later than March 1 of each year or within thirty (30) days after he becomes the owner or keeper of such dog, obtain from the City Recorder a license for such dog by paying to the Recorder a license fee as established by State Law. The owner or keeper of each dog so licensed shall attach the license tag issued to such dog to a collar, which collar shall be worn by such dog at all times. In case a license shall not be obtained for each dog within the City of Albany within the time as herein provided, then the license fee shall be an additional \$2.00 for each dog.

- (5) **POLICE OFFICERS APPOINTED**

All police officers of the City of Albany 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 or on any premises other than the property of its owner or keeper in the City of Albany.

- (6) **DOG POUND**

The Chief of Police is hereby authorized and directed to secure a suitable place in which all impounded dogs may be confined and cared for during their retention.

- (7) **NOTICE.**

Whenever any dog shall be impounded under authority of this ordinance, the Chief of Police shall forthwith give notice of the impounding of the said dog, and said dog, unless redeemed as herein provided, will be disposed of in accordance with the provisions of this ordinance, by posting a notice on the bulletin board of the City Hall in the said City for four (4) days. Such notice shall state the time, on the fifth day after posting the same,

when such dog shall be disposed of as herein provided. If the name of the owner of such dog is known to the Chief of Police, a copy of such notice shall be delivered to the said owner in person, or mailed to such owner if the address of the said owner is known to the Chief of Police, and if said address is not known, said notice shall be addressed to said owner at Albany, Oregon. Said additional or further notice shall be given within one (1) day from the posting of said notice.

(8) PENALTY.

Any dog impounded under authority of this ordinance may be released to the owner or keeper thereof by the Chief of Police upon payment of a redemption fee in the sum of FIVE DOLLARS (\$5.00) if redeemed within two (2) days, and ONE DOLLAR (\$1.00) additional for each day thereafter.

(9) DISPOSAL OF DOGS.

Whenever any dog shall be impounded under authority of this ordinance and shall not be released to the owner or keeper thereof as herein provided, such dog shall be kept for a period of five (5) days, after which such dog shall be released to some person as hereinafter provided, or shall be humanely killed.

(10) RECEIPT.

Whenever any dog shall be impounded under authority of this ordinance and the owner or custodian of such dog shall not appear and claim such dog and pay the redemption fee provided herein within five (5) 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 upon the payment of the redemption fee of EIGHT DOLLARS (\$8.00). Such delivery shall be subject to the claim of the rightful owner of the said dog and payment by him to the said person of the redemption fee paid to the City and the reasonable expense of keeping the said dog up to the time of the claim by the owner of keeper of the said dog, and the Chief of Police at the same time of making any such delivery shall take a written receipt from such person acknowledging that any such person holds said dog, subject to the claim of the rightful owner upon payment of redemption fee paid by such person and a reasonable expense of keeping such dog up to the time of the claim by such owner. The Chief of Police shall not deliver any dog impounded hereunder to any person under the provisions of this section without receiving a receipt herein provided for.

(11) COMPUTATION OF TIME.

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.

(12) RECORDS.

The Chief of Police shall keep a duplicate record of dogs impounded, which shall show the date and time when impounded, a description by approximate weight, age, color, sex and breed, if known to the Chief of Police, and said records and entry shall be made showing the disposition made of the said dog. Duplicate of the said record and all delivery sheets shall be filed monthly with the City Recorder of the City and be deemed public records of the City.

(13)

The expense of caring for dogs impounded under this ordinance shall be paid out of the general fund of the City of Albany and all monies paid in redemption fees shall be credited to the general fund of the City.

(14) WRONGFUL IMPOUNDING.

Any dog owner or keeper, believing 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.

(15) DEFINITION OF RUNNING AT LARGE.

All dogs found upon the public streets, highways or other public places, in the City, or upon private property other than the owner, shall be deemed to be running at large within the meaning of this ordinance, except such dogs as may be under control of a chain or leash not exceeding 6 ft. in length, or may be in or upon any vehicle and while therein or on, shall be deemed to be under the personal control of the owner or keeper thereof.

(16) FINE.

Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine of not more than FIFTY DOLLARS (\$50.00).

Section 2: REPEALING CLAUSE.

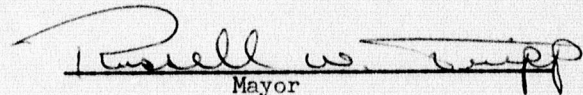
All ordinances or parts of ordinances in conflict herewith are specifically repealed.

Section 3: EMERGENCY CLAUSE.

Whereas, the peace, health and safety of the people of the City of Albany require that this ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its final passage by the council and approval by the mayor.



Passed by the Council May 10th, 1967

Approved by the Mayor May 10th, 1967


Mayor

Effective Date: May 10th, 1967

ATTEST:



City Recorder