

ORDINANCE NO. 5685

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) 6.04.015, "NUMBER OF DOGS PERMITTED" AND AMC 6.04.170, "PUBLIC NUISANCE - DESIGNATED"; AND DECLARING AN EMERGENCY.

WHEREAS, upon review at the Council's September 24, 2007, meeting the Albany City Council wished to add language allowing the City Manager the authority to grant exemptions to the number of dogs allowed at individual residences in the City of Albany; and

WHEREAS, the Albany City Council wished to provide dog owners a procedure, criteria, and terms when requesting the exemption; and

WHEREAS, the Albany City Council wished to update language regarding service animals.

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

Section 1: AMC 6.04.015 is amended to read as follows:

AMC 6.04.015 Number of dogs permitted.

(1) Except as provided in section (2) below, 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.

(2) The City Manager may grant an exemption to the limits set forth in section (1) pursuant to procedure, criteria, and terms set forth in this section:

(a) 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. 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) 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) 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.

Section 2: AMC 6.04.170 is amended to read as follows:

AMC 6.04.170 Public nuisance – Designated.

Dogs shall be considered a public nuisance under the meaning of this chapter in the following instances:

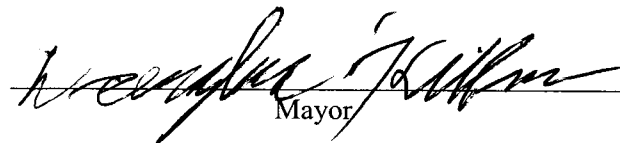
- (1) Any dog, when unprovoked, bites any person or animal;
- (2) Any dog which chases vehicles or when off the premises of the owner or keeper, chases any person or persons;
- (3) Any dog which scatters garbage other than that of its owner or keeper;
- (4) Any dog which trespasses on private property other than its owners or on public rights-of-way;
- (5) Any dog(s) which through the negligence of the owner causes animal waste to accumulate on any premises to a degree that offensive odors can be detected from an adjoining street, yard, or residential unit;
- (6) Any dog found within a park outside designated areas;
- (7) Any dog which barks cumulatively for more than 10 minutes during any one-hour period when such barking is audible off the premises of the dog's owner or keeper;
- (8) Any dog, except for a ~~seeing-eye~~ **service** dog whose owner is legally blind, which deposits solid waste matter on any improved property, including public parks and school grounds, other than that of the dog owner. It shall be a defense to this section that the dog owner immediately removes the solid waste.

Section 3: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approved by the Mayor.

Passed by the Council: October 24, 2007

Approved by the Mayor: October 24, 2007

Effective Date: October 24, 2007



Mayor

ATTEST:



City Clerk