

GARIBALDI ORDINANCES

ORDINANCE NO. 124

AN ORDINANCE DEFINING AND PROHIBITING DOGS FROM RUNNING AT LARGE OR BEING A PUBLIC NUISANCE IN THE CITY OF GARIBALDI, OREGON, PROVIDING FOR THE IMPOUNDMENT AND DISPOSITION OF SUCH DOGS AFTER NOTICE TO THE OWNER OR KEEPER, PROVIDING PENALTIES FOR VIOLATION BY THE OWNER OR KEEPER OF SUCH DOGS, REPEALING ALL ORDINANCES RELATING TO DOGS PRIOR HERETO, AND DECLARING AN EMERGENCY.

The city of Garibaldi does ordain as follows:

Section 1. The following definitions apply to this ordinance:

a. "Keeper" means a person who has the care, custody or possession of a dog.

b. A dog is a "public nuisance" if it: bites a person, chases vehicles or persons, damages or destroys property of a person other than the owner or keeper of the dog, scatters garbage, trespasses on the property of a person other than the owner or keeper of the dog, disturbs any person by frequent or prolonged noises, or is a female in heat and running at large.

c. "To run at large" means off or outside the premises belonging to the owner or keeper of such dog, or not in company of or under the control of its owner or keeper.

Section 2. No person, who is the owner or keeper of a dog and who has received a prior warning that his dog is or has been running at large, shall negligently allow or cause the dog to thereafter run at large within the city of Garibaldi.

Section 3. No person, who is the owner or keeper of a dog, shall allow or cause his dog to be a public nuisance within the city of Garibaldi.

Section 4. When a dog is found running at large or to be a public nuisance within the city of Garibaldi, a peace officer for the city of Garibaldi may impound such dog, cite the owner or keeper to court or do both.

Section 5. All dogs taken up and impounded under section 4 shall be held in an adequate and sanitary facility. Unless claimed sooner by the owner or keeper, a dog shall be impounded for at least five days after written notice has been provided by the Chief of Police to the owner or keeper before the dog may be disposed of as provided in section 6. The Chief of Police shall make a reasonable effort to provide written notice to the owner or keeper of a dog by mailing notice to the last known address of the owner or keeper or, in the absence of such known address for an owner or keeper, by posting notice in 3 public places before such dog may be removed from impoundment. If the owner or keeper appears and redeems the dog from impoundment, he shall pay a sum of \$20.00 as the cost for making such impoundment, together with the expenses of keeping the dog during the time it was impounded.

Section 6. If no owner or keeper appears to redeem a dog within the time provided by section 5 or if the dog has been impounded as a public nuisance for

killing or injuring a person, it shall be killed in a humane manner. If in the opinion of the Chief of Police the dog is not dangerous and can be safely kept, the dog may be released to a responsible person upon written assurance from such person that he will properly care for the dog and not allow it to become a nuisance and upon payment of the sums set forth in section 5 above. The person who so redeems the dog shall thereafter be liable as owner of the dog as provided above.

Section 7. Notwithstanding the provisions of sections 5 and 6, any dog impounded for biting a person shall be held for not less than 10 days before redemption or destruction to determine if the dog is rabid.

Section 8. Each day that a person allows or causes his dog to run at large or be a public nuisance within the city of Garibaldi shall constitute a separate violation of this ordinance.

Section 9. Any person found guilty of violating section 2 or 3 of this ordinance shall be punished by a fine of \$10.00 for the first offense and by a fine of not less than \$20.00 and not more than \$250.00 for each subsequent offense. Any sums paid by a person who redeems a dog from impoundment shall be in addition to and not in lieu of any fines authorized by this section.

Section 10. All ordinances, including Ordinance No. 45, relating to dogs either male or female heretofore enacted by the common council of the city of Garibaldi, be and the same are hereby repealed.

Section 11. Whereas, the peace, health and safety of the people of the city of Garibaldi is involved, therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passing by the common council and approval by the mayor.

PASSED AND ADOPTED by the Common Council and APPROVED by the Mayor on this 10 day of ~~July~~, 1985.

JUNE

C. Joanne Dalziel
C. JOANNE DALZIEL Mayor

ATTESTED:

Saundra Jones
SAUNDRA JONES City Recorder