AMITY ORDINANCE NO. 600

AN ORDINANCE FOR THE REGULATION, CARE, CONTROL AND OWNERSHIP OF ANIMALS IN THE CITY OF AMITY; REPEALING ORDINANCES NUMBERED 307A, 308 AND 367 SECTIONS 85 AND 86 REGARDING ANIMALS; AND DECLARING AN EMERGENCY.

(Repeals Amity City Ordinance #307a, 308 and 367, sections 85 & 86 regarding animals)

The people of the City of Amity ordain as follows:

GENERAL ANIMAL REGULATIONS

Section 1. Relationship to state laws.

ORS Chapter 609, pertaining to animal control, exotic animals and dealers, and ORS 167.310 through 167.388, pertaining to offenses against animals shall apply in the city of Amity except where expressly superseded by this ordinance.

Section 2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

(1) "Animal"

Means any of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.

(2) "Dangerous animal"

Means any animal generally thought of as "wild" and capable of inflicting injury (such as cougars and boa constrictors - whether owned as pets or not) and including animals, which are not dangerous under normal conditions but could become so under abnormal conditions (for example, a rabid dog or unconfined bull).

(3) "Domestic animal"

Means any animal raised for food, profit or other practical use, including but not limited to farm animals, livestock, poultry rabbits, and bees.

(4) "Keeper"

Means any person, firm, or association having the custody of or authority to control the animal.

(5) "Livestock"

Means horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and any fur-bearing or wool-producing animal bred and maintained, commercially or otherwise, within pens, cages, and hutches.

(6) "Owner"

Means owning, keeping, or harboring an animal.

(7) "Owner of property"

Means any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

(8) "Poultry"

Means domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.

(9) "Running at large"

a. An animal is considered to be "running at large" when it is not on the premises of the owner or keeper, and is not restrained by a rope, line, leash, chain or other similar means, or is not under the immediate physical control and command of its owner or keeper.

b. An animal will be considered "running at large" if it is free upon a road, street, highway, sidewalk, shared access way, common area, parking area, parking lot or other area open to physical access by the public.

(10) "Wild animal"

Means any animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats.

Section 3. Enforcement authority.

The Chief of Police or any other Police Officer or any other person designated or appointed by the Chief of Police. For the purposes of this ordinance, those officers or persons are referred to as the "Animal Control Official." (A.C.O.)

Section 4. Complaint procedures.

(1) Filing a Complaint.

any person who has cause to believe any animal regulated by this chapter is being maintained as a public nuisance may complain, either orally or in writing, to an Amity City Police Officer. The complaint shall be considered sufficient cause for the officer to investigate the matter and determine if the owner or keeper of the animal is in violation of a provision of this chapter. The City Police Officer may use discretion in referring the matter to a county animal control officer for prosecution.

(2) Jurisdiction.

The municipal court of the City of Amity has exclusive jurisdiction over violations of any of the provisions of this ordinance within the corporate limits of the City of Amity.

Section 5. Enforcement complaint.

(1) Any A.C.O. authorized to enforce the provisions of this ordinance may issue a citation to appear (CTA) to any person found in violation of the provisions of this ordinance.

(2) The issuing official shall cause the CTA to be delivered to the person alleged to have violated the provisions of this ordinance.

Section 6. Interference with A.C.O.

(1) It is unlawful for any person to interfere in anyway with an A.C.O. engaged in enforcing, seizing, impounding, or lawfully disposing of any animal under the authority of this ordinance.

(2) It is unlawful to release any animal from the custody of the A.C.O. after such animal has been seized or impounded under the authority of this ordinance.

Section 7. Registration requirements.

(1) Every person owning or keeping an animal requiring registration or a license as may be defined by federal, state, county, or municipal law or regulation shall register or license such animal in accordance with the specific regulation or law requiring the registration or license.

(2) Registration tags, when required, shall be attached to the animal when such animal is not in the immediate possession or direct supervision of the owner or keeper. (Yamhill County Dog Control Ordinance No. 692)

Section 8. Impoundment - Authority.

(1) Any A.C.O. is authorized to impound any animal found in violation of any of the provisions of this ordinance.

(2) Any animal which bites a person or another animal or which has caused injury to any person or another animal may be summarily seized by any person and, if seized, shall be promptly delivered to the A.C.O.

(3) Any animal control official may house an animal impounded under the provisions of this ordinance at a kennel, veterinary clinic, or other animal shelter.

Section 9. **Impoundment - Notice.**

(1). Whenever an animal is impounded pursuant to the provisions of this ordinance, if the owner or custodian of the animal is known to the A.C.O. and the animal has not been accused of biting a person, the A.C.O. shall make reasonable attempts to deliver the animal to its owner.

(2) In case the owner or custodian of the animal is not known to the A.C.O., the animal shall be delivered forthwith to the City of Amity kennel, Yamhill County Dog Control Officer or directly to a suitable animal shelter or veterinary clinic.

Section 10. **Impoundment - Redemption by owner or keeper.**

(1) Fees for redemption of the animal by its owner shall be due and payable to the facility in which the animal was housed.

(2) The City of Amity retains the right to collect from the animal's owner, or keeper, a fee of $10 per animal, per day or any part day that the animal is in the custody of the city.

(3) The owner, or keeper, shall pay for any boarding, care or medical expenses incurred in addition to the daily $10 fee.

Section 11. **Sick or injured animals.**

(1) No person shall permit any animal owned or controlled by that person to be at large within the city if such animal is afflicted with a communicable disease.

(2) Any A.C.O. who has found or lawfully seized or impounded an animal under the provisions of this chapter and determines that the animal is in apparent need of immediate medical attention due to illness or injury, may authorize the necessary medical attention and/or have the animal destroyed.

Section 12. **Miscellaneous Violations.**

(1) No animal shall run at large within the city limits upon any public street or other public place or trespass upon private property not owned or controlled by the owner or keeper of such animal. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by ORS Chapter 609.
(2) No domestic or wild animal shall become a public nuisance by:

(a) Making excessive or unreasonable noise in such a manner as to disturb or annoy any person or deprive any person of peace and quiet, other than the owner or keeper of such animal;

(b) Causing injury to a person, animal, or property, or show a propensity to cause injury to persons, animals, or property;

(c) Chasing persons, vehicles or other wild animals;

(d) Injuring or killing an animal belonging to a person other than the owner or keeper of such animal;

(e) Chasing, injuring, or killing any animal raised or kept for use or profit;

(f) Damage property belonging to a person other than the animal's owner or keeper.

(3) No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property, whether public or private.

(4) No person shall:

(a) Subject any animal to mistreatment;

(b) Kill any animal under the custody or control of another without legal privilege.

Section 13. Dangerous animals.

(1) No person shall keep, possess, or otherwise maintain under their control any dangerous, ferocious, or biting animal.

(2) "Dangerous, ferocious, or biting animal" includes any such animal which, with a lack of provocation, is likely to injure, attack, or otherwise threaten the lawful presence of any person or animal.

(3) In addition to any fines or other penalties provided in this ordinance, the police may order such disposition of any dangerous, ferocious, or biting animal as it considers necessary for the safety or health of the public.

Section 14. Wild animals.

(1) No person shall keep or possess or otherwise maintain any wild animal within the city limits.

Section 15. Exotic animals prohibited.

(1) Subject to ORS 609.205, "exotic animal" as defined in ORS 609.305, no person shall keep or maintain one or more exotic, wild or dangerous animals to include bees kept in a collection of hives or colonies. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this ordinance.

Section 16. Shelter requirements.

(1) The owner or keeper of any animal shall provide adequate shelter for such animal. Adequate shelter means that which provides protection from the meteorological elements.

(2) The council may prohibit the housing or keeping of any animal within the city limits when such housing or keeping may impair the public health, welfare, safety, or create a nuisance.

(3) The council may direct the A.C.O. to deliver a written notice to the owner or keeper of such animal, directing the owner or keeper to remove the animal within three days from the service of such notice.

Section 17. Keeping of livestock and/or poultry within the city limits of the City of Amity

(1) No person owning, possessing, or having control of livestock, shall keep the animals except in a fenced area and on a lot having an area of at least 32,670 square feet (0.75 acre) per animal.

(2) No person owning, possessing, or having control of poultry, shall keep the animals except in a fenced area.

(3) Fencing used for the purpose of containing livestock, as required by this section, shall not be located within 20 feet of a property boundary line, and shall comply with the development code.

(4) Nonconforming Use. For livestock being kept on parcels of less than 32,670 square feet (0.75 acre) per animal, this section shall not preclude any person from continuing to keep or replace livestock which were being kept within the city limits of the City of Amity on or before the adoption date of the ordinance codified in this chapter.

(5) Cessation of Use. For parcels of less than 32,670 square feet (0.75 acres), if a nonconforming use for keeping of the livestock is discontinued for a period of 90 days or more, or if the property comes under different ownership, the keeping of livestock shall cease and may not be resumed.

Section 18. **Dead animals - Carcass removal.**

No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property for over 24 hours.

Section 19. **Summary destruction of certain animals.**

Any animal, whether domestic or wild, which presents an imminent threat of serious physical injury or death to any person or other animal, or which has caused injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in this chapter, may be summarily destroyed in as humane a manner as is practicable under the existing circumstances.

Section 20. **Violation - Penalty.**

The owner, keeper, or person in charge of an animal found to have committed an offense may be issued a citation to appear in Amity Municipal Court for such violation. A conviction for having committed an offense shall be punishable by a fine of up to $100 for a first offense; and no less than $100 up to $1,000 for each subsequent offense.

When any Police Officer or other city official determines that an animal(s) owner/keeper has neglected the animal(s) health or well being, such Police Officer or other authorized city official may notify the animal owner/keeper.

1. The notice shall be given to the owner/keeper of the animal(s) in writing;

2. The notice shall direct the owner/keeper of the animal(s) to abate the specified neglect within 24 hours if the animal(s) well being is considered to be in immediate danger and up three days for all other infractions of neglect.

3. Failure of the owner/keeper to abate the specified neglect within the allotted time period may result with the animal(s) immediate seizure by a A.C.O. who may confine such animal(s) in the City of Amity kennel or other facility as deemed necessary by the Officer with regards to the most immediate needs of the animal(s). The owner/keeper is obligated to pay a fee of not less than $10 for each animal confined, for each day or part day each animal is confined. This fee is to offset the cost for the feeding and care of the animal(s). The owner/keeper shall be held responsible for all veterinary/medical and additional boarding costs incurred for the duration of the confinement of the animal(s).

In addition to any fines or other penalties provided herein, the council may order such disposition of the animal as it considers necessary for the safety or health of the public.

Section 21. Disposition of Habitual Offenders.

(1) Habitual offender

a. Any animal owner/keeper having been found/pled guilty to any combination of five or more convictions of penalties as listed in Ordinance 600, shall be considered a habitual offender and may, by order of the Court, lose the right to own or keep any animal(s) while living in the City of Amity. And if so ordered, law enforcement personnel may make inquires or inspect and remove from the premises any animal being found kept or owned by said person(s).

DOGS

Section 22. Relationship to State and County laws

ORS Chapter 609, pertaining to animal control, exotic animals and dealers, and ORS 167.310 through 167.388, and Yamhill County Dog Ordinance No. 692, pertaining to offenses against animals shall apply in the city of Amity except where expressly superseded by this ordinance.

Section 23. Definitions

(1) "Running at large"

a. A dog is considered to be "running at large" when it is not on the premises of the owner or keeper, and is not restrained by a rope, line, leash, chain or other similar means, or is not under the immediate physical control and command of its owner or keeper.

b. A dog is considered "running at large" if it is free upon a road, street, highway, sidewalk, shared access way, common area, parking area, parking lot or other area open to physical access by the public.

(2) "Vicious or dangerous dog"

a. Means any dog generally thought of as "wild" and capable of inflicting injury including dogs, which are not dangerous under normal conditions but could become so under abnormal conditions;

b. Any dog which bites a human being, livestock or domestic animal;

c. Any dog which puts a human or domestic animal in apprehension of imminent harm or risk, or exposes them to possible injury or harm, regardless of whether it was done in a playful or hostile manner;

d. Any dog which according to the records of law enforcement has inflicted previous injury to a human with out provocation, or has according to law enforcement records injured or killed an animal while off the property of the owner/keeper;

e. Any dog owned or harbored primarily or in part of or the purpose of dog fighting or training for dog fighting;

f. Any dog acting in a menacing manner and is out of immediate physical control of it's owner/keeper and which has caused injury, serious injury or possible death to a human or animal without provocation;

g. Any dog having a demeanor, fault, flaw, or defect that causes it to act in an unreasonably aggressive manner;

h. Any dog that has been found to have bitten any living thing two or more times in a two year period, which caused physical injury to person(s) or animal(s), and said bites have been documented with appropriate authorities, then a refutable presumption exists that the dog is dangerous and may not be kept.

(3) "Menacing Dog"

A "menacing dog" means a dog, which acts in a threatening manner causing a human, animal or livestock to fear for its safety, regardless of whether it was done in a playful or hostile manner.

(4) "Public Nuisance"

A dog is a public nuisance if it:

a. Bites or nips a person or a person's clothing or effects unless the person is illegally assaulting the dog or the dog's owner/keeper, or if the person provokes the dog by trespassing on the owner's/keeper's premises;

b. Chases vehicles, persons or other animals of any kind on property that does not belong to the owner/keeper of the dog;

c. Causes damage or destroys property that does not belong to the owner/keeper of the dog;

d. Turns over garbage cans, tears open garbage bags, and/or scatters garbage;

e. Trespasses on private property of persons other than the owner/keeper of the dog;

f. Disturbs a resident from each of three or more households within sight or sound of the complainant's residence or business by excessive barking, howling, whining, or noise. A dog shall not be considered a public nuisance under this ordinance if it barks at a person or animal trespassing on the property of the owner/keeper;
g. Impedes or disrupts the flow of traffic on a public or private roadway or access way, or causes conditions thereupon, or in any way becomes a traffic hazard for any length of time;

(5) "Keeper"

Means any person, firm, or association having the custody of or authority to control the dog.

(6) "Owner"

Means owning, keeping, or harboring an animal.

(7) "Owner of property"

Means any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

(8) "Bite"

Means any tearing, abrasion, puncture, contusion, hematoma, or other damage to the skin or clothing of any person or animal by the operation of a dog's jaw and /or teeth.

Section 24. Owner/Keeper Duties

All persons owning dogs, or having them under their control shall:

(1) Keep the dog(s) confined on owner's/keeper's premises, or upon taking such dog(s) upon the streets, sidewalks or other such public property or buildings in the City of Amity, shall keep such dog(s) on a leash AND in the control of the person then having said dog(s) in their possession.

(2) Not own, board, have custody of, or provide for the accommodation of more than a total of five dogs, being a maximum of three fertile or five spayed/neutered dogs of licensable age(as provisioned in Yamhill County Dog Control Ordinance No. 692), or any combination thereof,.where such dogs are kept for household pets, rescue or seeing-eye training, boarding, propagation, other training, sale or trade, consumption, or other purposes.

(3) Provide adequate and safe, shelter for such dog(s). Adequate shelter means that which provides protection from the meteorological elements. Safe shelter means that which is sound and maintained in good repair to protect dog(s) from injury, to confine them safely and to prevent entry of other animals;

(4) Provide proper nutrition and hydration by: feeding dog(s) at least once daily with a diet of nutritionally adequate and uncontaminated food, and maintaining a continuous potable water supply unless otherwise recommended by a veterinarian;

(5) Remove excrement from primary enclosures and owner's/keeper's property as often as necessary to prevent contamination , reduce disease hazards and minimize odors;
(6) Provide proper and adequate care to insure dog(s) are healthy, without untreated illnesses, injuries, infestations, or communicable diseases.

Section 25. Penalties

(1) Allowing a dog to run at large

a. A dog owner/keeper who permits a dog to run at large may be issued a citation to appear in Amity Municipal Court for such violation. A conviction for allowing a dog to run at large shall be punishable by a fine of up to $100 for a first offense and up to $500 for each subsequent offense.

b. An A.C.O. may capture and detain any dog running at large and confine such dog(s) in the City of Amity kennel until such time as the owner/keeper can be identified. The dog(s) may be released to such owner/keeper provided the owner/keeper provides proof of current Yamhill County Licenses for the dog(s). The owner/keeper is obligated to pay a fee of $10 for each dog confined, for each day or part day each dog is confined. This fee is to offset the cost for the feeding and care of the dog. If an owner/keeper cannot be identified, the dog(s) shall be turned over to the Yamhill County Dog Control.

(2) Menacing Dog

a. The owner/keeper of a dog who is cited into Amity Municipal Court and found guilty of owning or keeping a menacing dog is subject to a minimum fine of $100; such fine will not exceed $500.

b. A second conviction for any owner/keeper of a menacing dog shall result in a fine of at least $500 and not more than $1000. An owner may choose to have the dog destroyed in lieu of such fine.

c. A third conviction for any owner/keeper of a menacing dog shall result in an order from the court for the destruction of the dog and a minimum fine of $1000.

(A dog shall not be considered "menacing" if it is secured on the owner's/keeper's property. Secured can mean a fence that is impenetrable by the dog or a secure chain, rope, cable, or other restraint that keeps the dog at least 10 feet away from the property line.)

(3) Vicious or Dangerous Dog

a. Upon conviction for keeping a dangerous or vicious dog, the courts shall impose a fine on the owner/keeper not to exceed $1000, Any dog designated dangerous or vicious may be destroyed, if so ordered by the Amity Municipal Court.

(4) Public Nuisance Dog

a. A dog owner/keeper who permits a dog to become a public nuisance may be issued a citation to appear in Amity Municipal Court for such violation. A conviction for allowing a dog to become a public nuisance shall be punishable by a fine of up to $50 for a first offense.

b. A second conviction for allowing a dog to be a public nuisance shall result in a fine of at least $50 and not more than $100.

c. A third conviction for allowing a dog to be a public nuisance shall result in a fine of at least $100 and not more than $500:

d. All subsequent convictions for allowing a dog to be a public nuisance shall result in a fine of $500 for each occurrence.

(5) Owner/keeper Neglect of Duties

a. When any Police Officer or other city official authorized by the mayor determines that a dog's owner/keeper has neglected any of the duties as stated in Section 24 of this ordinance such A.C.O. or other authorized city official may notify the dog owner/keeper.

1. The notice shall be given to the owner/keeper of the dog(s) in writing;

2. The notice shall direct the owner/keeper of the dog(s) to abate the specified neglect within 24 hours if the dog(s) well being is considered to be in immediate danger and up three days for all other infractions of neglect.

3. Failure of the owner/keeper to abate the specified neglect within the allotted time period may result with the dog(s) immediate seizure by a A.C.O. who may confine such dog(s) in the City of Amity kennel or other facility as deemed necessary by the Officer with regards to the most immediate needs of the dog(s). The owner/keeper is obligated to pay a fee of $10 for each dog confined, for each day or part day each dog is confined. This fee is to offset the cost for the feeding and care of the dog. The owner/keeper shall be held responsible for all veterinary/medical and additional boarding costs incurred for the duration of the confinement of the dog(s).

b. A dog owner/keeper who is neglectful of his/her duties as a dog owner within the City of Amity may be issued a citation to appear in Amity Municipal Court for such violation.

c. A conviction for a dog owner/keeper who is neglectful of his/her duties as a dog owner shall be punishable by a fine of up to $50 for a first offense.

d. A second conviction for a dog owner/keeper who is neglectful of his/her duties as a dog owner shall be

punishable by a fine of not less than $50 and not more than a maximum of $100.

e. A third conviction for a dog owner/keeper who is neglectful of his/her duties as a dog owner shall be punishable by a fine of not less than $100 and not more than a maximum of $250.

f. All subsequent convictions for a dog owner/keeper who is neglectful of his/her duties as a dog owner shall result in a fine of $500 for each occurrence.

(6) Habitual offender

a. Any dog owner/keeper having been found/pled guilty to any combination of five or more convictions of penalties as listed in Ordinance 600, shall be considered a habitual offender and may, by order of the Court, lose the right to own or keep any dog(s) while living in the City of Amity. And if so ordered, law enforcement personnel may make inquires or inspect and remove from the premises any dog being found kept or owned by said person(s).

Section 26. Severability

The sections and subsections of this ordinance are severable. Any validity of one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 27. Repeal

This ordinance repeals Amity City Ordinances numbered 307a, 308 and 367 sections 85 and 86 regarding animals.

Section 28. Emergency

Whereas it is necessary for the immediate preservation of the public health, peace and safety of the citizens of the city of Amity, that this ordinance become effective at the earliest time possible, therefore, this ordinance shall become effective immediately upon passage by the council and signature of the mayor.