

GENERAL ORDINANCE NO. 96-1208**AN ORDINANCE REGULATING ANIMALS; DEFINING NUISANCES;
PROVIDING FOR PENALTIES, AND REPEALING GENERAL
ORDINANCE NO'S 409 AND 753****THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:**

Section 1. Definitions. As used in this ordinance, except where the context indicates otherwise, the following shall mean:

- A. Animal. Any bull, steer, cow, heifer, calf, horse, mare, gelding, colt, mule, donkey, swine, sheep, goat, or other similar animal, and any domesticated fowl. For purposes of this ordinance, “animal” does not include a dog, cat, or a hamster, guinea pig, rabbit, ferret, parrot, parakeet, or other similar animal kept as a household pet.
- B. City. The City of The Dalles.
- C. City Clerk. The duly appointed City Clerk of the City, or authorized designee.
- D. City Council. The governing body of the City.
- E. Dangerous Animal. A dangerous animal shall mean:
 - 1. Any animal with a propensity, tendency, or disposition to attack, without provocation, and cause injury to, or otherwise endanger the safety of humans or other domestic animals; or
 - 2. Any animal which attacks a human being or other domestic animal one or more times without provocation.
- F. Domesticated Fowl. Any bird that has been adopted to live with humans, or which is bred and raised for human benefit or use. For purposes of this ordinance, “domesticated fowl” includes but is not limited to turkeys, chickens, roosters, pheasants, and emus.

- G. Owner. A person, firm, association, or corporation having a property right in an animal, or who harbors any animal or has one in his or her care, or acts as its custodian, or who knowingly permits any animal to remain on or about any premises owned or occupied by that person. "Owner" does not include a person or business which boards animals for a fee, or veterinarians temporarily maintaining animals owned by other persons, on their premises, for a period of not more than thirty (30) days.
- H. Wild Animal. A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man, including species which are feral naturae. Wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, and cougars.

Section 2. Possession of Animals; Permit Requirement. No person shall keep any animal within the City, except when animals are being transported for commercial purposes, without first obtaining a permit from the City Clerk.

- A. Conditions. The City Clerk shall issue permits for animals, upon payment of the required fee, as established by the Council by resolution, and receipt of a completed permit application which includes an agreement by the owner that the animal or animals will not be kept in a manner which is detrimental to the public health, safety, or welfare.
- B. Revocation. The City Clerk shall have authority to revoke a permit under the following circumstances:
1. If over fifty percent (50%) of the total number of owners and residents of the property abutting upon the premises where the animal or animals are kept, sign and file a petition with the City Clerk requesting revocation of the permit; or
 2. When the owner keeps an animal or animals in such a manner as to create a public nuisance, disturb neighborhood residents because of any noise, odor or damage, or interfere with the enjoyment of property of adjacent owners or residents.
- C. Upon revocation of a permit, the owner shall be allowed seven (7) days in which to remove the animal or animals. The owner shall have the right to appeal to the Council by filing an appeal with the City Clerk. The notice of appeal must be filed within five (5) days after receipt of the notice of revocation sent by the City Clerk. The revocation shall be stayed pending the hearing by the Council.

Section 3. Animals as a Public Nuisance; Public Nuisance Prohibited; Complaint.

- A. An animal is a public nuisance if it:
 - 1. Bites, injures, or causes injury to a person or other domesticated animal;
 - 2. Chases vehicles or persons;
 - 3. Damages or destroys property of persons other than the owner of the animal;
 - 4. Scatters garbage;
 - 5. Runs at large upon private property of persons other than the owner of the animal;
 - 6. Disturbs any person by frequent or prolonged noises;
 - 7. Is a female in heat and running at large; or
 - 8. Is a dangerous animal.
- B. The owner or keeper of an animal in the City shall not allow his or her animal to be a public nuisance.
- C. Any person who has cause to believe an animal is being maintained as a public nuisance may complain, either orally or in writing, to the Chief of Police or authorized designee. The complaining shall be considered sufficient cause for the City to investigate the matter and determine if the owner or keeper of the animal has violated the provisions of this ordinance.
- D. An animal shall not be considered a public nuisance under this ordinance or destroyed if the animal bites a person wrongfully assaulting the animal's owner, or if the animal bites a person who trespasses upon the animal owner's property.

Section 4. Wild Animals. Except as provided in subsection (A), no person shall keep in captivity within the City limits a wild animal.

- A. The provisions of this section do not apply to the owners of a circus, tent show, or carnival which is providing performances within the City limits.

Section 5. Impoundment and Disposition of Animals.

- A. When any animal is found to be a public nuisance under the provisions of this ordinance, the Chief of Police or authorized designee may impound the animal, issue a citation to the owner, or do both.
- B. When an animal is impounded under this ordinance, the Chief of Police shall post, at a visible location at the City Hall, a notice giving a description of the animal, and the time and location of the animals impoundment. The notice shall be posted for three (3) days. Reasonable efforts shall be made to notify the owner during the three day period.
- C. If the animal has been impounded for any reason other than being a dangerous animal, and the owner of the animal does not claim it within the time frame set forth in subsection (B) above, the animal may be sold to another for the sum of the charges mentioned in Section 7. If no owner appears to redeem the animal within the prescribed time, or if the animal has been impounded as a public nuisance for biting, killing, or injuring a person, it shall be destroyed in a humane manner.
- D. Any animal impounded for biting or killing a person shall be held for not less than ten (10) days before destruction to determine if the animal is rabid.
- E. Any animal running at large, which because of its disposition or diseased condition is too dangerous to apprehend, may be destroyed by a peace officer, animal control officer, or by a person acting in defense of himself, his family, or another person.

Section 6. Release of Impounded Animals. When otherwise permitted by the terms of this ordinance, if no permit has been issued as required by City ordinance, the animal may be released to the owner or a person purchasing the animal under Section 5 (C) upon submission of proof that a permit has been obtained.

Section 7. Redemption. Should the owner of an animal impounded under this ordinance desire its release, the owner shall pay an impound fee as set by Council resolution. Any owner redeeming an impounded animal shall pay, in addition to the impound fee, the total of the daily care expenses accrued during the impound period plus any other expenses incurred in the keeping of the animal.

Section 8. Penalties. Violation of any provision of this ordinance is punishable, upon conviction in the Municipal Court, by a fine not to exceed \$500.00.

Section 9. Appeals. Any animal owner aggrieved by the seizure and impounding of his or her animal, may apply to the City Manager for the release of such animal, provided such appeal is filed within three (3) days of the date of the seizure and impoundment. The City Manager shall schedule a time and place for hearing such application and notify the Chief of Police and the Council. Following the presentation of testimony and evidence, the Council shall determine whether the animal has been wrongfully impounded and whether it shall be returned to its owner, and upon what terms.

Section 10. Severability. If any part or section of this ordinance is declared by the courts to be unconstitutional, or in violation of any of the provisions of the City charter, or in violation of any state law, or invalid for any other reason, such declaration shall not affect the validity of any other portion or section of this ordinance.

Section 11. Repeal. General Ordinances No's. 409 and 753, as amended, are hereby repealed.

Passed by the City Council and approved by the Mayor on December 9, 1996.