

ORDINANCE NO. 1998

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE
CHAPTER 6.08 ANIMAL CONTROL**

RECITALS:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. The City Council of the City of Central Point finds and declares that the health and welfare of the citizens of the City of Central Point are promoted by requiring dog owners to maintain control of their dogs in public places; through the means of imposing reasonable regulations on dog ownership and imposing criminal penalties on dog owners whose dogs threaten or injure other people or animals.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Chapter 6.08 of the Central Point Municipal Code is amended to read:

Chapter 6.08
Animal Control

Sections:

6.08.005	Definitions
6.08.010	Animal Control
6.08.020	Control of Dogs
6.08.030	Impoundment
6.08.040	Failure to Control Dangerous Dogs
6.08.050	Additional Conditions

6.08.005- Definitions

“Criminal negligence” has the meaning set out in ORS 161.085(10).

“Dangerous dog” means a dog that engages in an unprovoked attack in a public place that causes either physical injury to another person or animal, or engages in three or more of the acts set out in Section 6.08.020(A) within a two-year period.

“Physical injury” has the meaning set out in ORS 161.015(7).

“Public place” has the meaning set out in ORS 161.015(10).

“Run at large” means a dog off leash in a public place.

“Unprovoked” means conduct by a dog that is not:

(a) in response to being tormented, abused or assaulted;

(b) in response to pain or injury;

(c) in protection of its nursing offspring; or

(d) in response to an assault or attempted assault on a person.

6.08.010 - Animal Control

A. The owner or custodian of a dog shall keep the dog on a leash and under the owner or custodian’s direct control when the dog is not on the private property of the owner or custodian. *Except in areas designated as public property off-leash areas, no owner shall permit a dog to be at large within the city.*

B. All dogs kept within the city shall be licensed according to the laws of the state of Oregon.

C. A police officer, code enforcement officer or animal control officer may impound a dog found to be loose or running at large.

D. The owner or custodian of any animal shall not:

1. Permit or allow an animal to run or be at large.

2. Permit an animal to trespass upon property of another.

3. Keep a wild or dangerous animal.

4. Permit any animal to cause annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking, whining, screeching, howling,

braying, or other like sounds which may be heard beyond the boundary of the owner's property.

5. Leave an animal unattended for more than twenty-four consecutive hours without adequate care.

6. Deprive an animal of proper facilities or care, including but not limited to food, potable water, shade or shelter.

7. Physically mistreat any animal either by deliberate abuse or failure to furnish adequate care, including medical attention.

8. Allow any stable or place where any animal is or may be kept to become unclean or ~~odiferous~~ **produce an unreasonable offensive odor.**

9. Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal.

10. Allow an animal to deposit its solid wastes on any private property, or public area, including but not limited to streets, sidewalks, parking strips, and parks, unless such wastes are removed immediately. This section shall not apply to a sightless person while walking his/her guide dog.

11. Allow the carcass of an animal to remain on public property or exposed on private property for a period of time longer than is reasonable and necessary to remove and properly dispose of said carcass. (Ord. 1901 §2(part), 2007).

6.08.020- Control of Dogs

A. No person who owns or keeps a dog shall permit the dog to:

- 1. defecate in a public place, unless the person immediately removes the feces from the property;**
- 2. chase vehicles or persons;**
- 3. scatter garbage;**

4. run at large in a public place, except for any park area specifically designated as a "dog park;"

5. engage in conduct that places a person in fear of imminent physical injury.

6. inflict physical injury on another person or animal.

B. Violation of this section constitutes a Violation.

6.08.030 - Impoundment

Any animal which is the subject of a violation of this chapter may be impounded by any city employee, law enforcement officer, code enforcement officer, or county dog control officer. The procedures established by the city police department shall control the release or disposal of animals so impounded. (Ord. 1901 §2(part), 2007).

6.08.040- Failure to Control Dangerous Dog

A. A person commits the violation of failure to control dangerous dog if the person:

1. Intentionally or recklessly permits a dangerous dog to inflict physical injury on another person or animal;

2. With criminal negligence permits a dangerous dog to inflict physical injury on another person or animal; or

3. Is convicted of three or more violations under Section 6.08.020(A) within a two-year period. For the purposes of this section, the phrase "two-year period" means three or more convictions within two years from the date of the present conviction. This subsection does not apply to persons violating 6.08.020(A)(1).

B. Failure to control dangerous dog is a crime punishable as prescribed in Section 1.16.010 if the Court finds that a person is guilty of the offenses set out in Section (A)(1) or (2); and punishable as prescribed in Section 1.16.010 if the Court finds that a person is guilty of the offense set out at 6.08.040(A)(3).

6.08.050 - Additional Conditions

In addition or in alternative to the criminal penalties prescribed in Section 6.08.040(B), the Court may impose one or more of the following conditions:

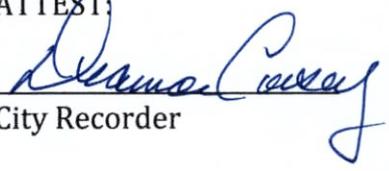
- 1. Order a person to provide an enclosure to adequately confine a dangerous dog;**
- 2. Order a person to post their property with a clearly visible warning sign that there is a dangerous dog on the property.**
- 3. Order a person to obtain a surety bond issued by a Surety Insurer in a form acceptable to the City Attorney in the sum of at least \$250,000, which provides for prior written notification to the City of cancellation or material change, payable to any person for personal injuries or property damage caused by the dangerous dog regardless of whether the personal injury or property damage occurs on or off the person's premises;**
- 4. Order a person to obtain a policy of liability insurance, such as homeowner's insurance, issued by an insurer in the amount of at least \$250,000, with a maximum \$500 deductible, and which provides for prior written notification to the City of cancellation or material change, insuring the person for any personal injuries and property damage inflicted by the dangerous dog, regardless of whether the personal injury or property damage occurs on or off the person's premises;**
- 5. Require the person to have the dangerous dog spayed or neutered, and provide documentation demonstrating that the dangerous dog has been spayed or neutered;**
- 6. Suspend the person's right to own a dog in the City for a period of time as specified by the Court;**
- 7. Require the person, at the person's expense, to attend a responsible pet ownership class; or**
- 8. Impose any additional conditions necessary to protect the public health, safety and welfare.**

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter" or other word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this 8th day of January, 2015


Mayor Hank Williams

ATTEST:

City Recorder