

ORDINANCE NO. 438**AN ORDINANCE RELATING TO DOG CONTROL IN THE CITY OF MADRAS AND DECLARING AN EMERGENCY.****The city of Madras ordains as follows:****Section 1. Definitions.**

- (a) As used in this ordinance, "dog" shall mean both male and female.
- (b) "Owner" shall mean a person, firm, association or corporation owning, keeping or harboring a dog.
- (c) "Running at large" shall mean when a dog is off or outside the premises belonging to the owner or keeper of the dog, or off or outside said premises not in company of and under complete control of the owner or keeper by an adequate leash.

Section 2. Dogs Not to be At Large. It shall be unlawful for the owner or keeper of a dog to permit the dog to run at large or to permit the dog to be a public nuisance, as provided in Section 3 of this ordinance, in the city of Madras. [Section 2 amended by Ordinance No. 474, passed July 24, 1990.]

Section 3. Dogs Which are Nuisances. A dog is a public nuisance if it:

- (a) Bites a person;
- (b) Chases vehicles or persons;
- (c) Damages or destroys property of person other than the owner of the dog;
- (d) Scatters garbage;
- (e) Trespasses on private property of persons other than the owner of the dog;
- (f) Disturbs any person by frequent and prolonged noises;
- (g) Or is a female in heat and running at large.

Section 4. Impounding. A dog which is running at large or is a nuisance is in violation of this ordinance and may be impounded by the designated dog control officer of the city of Madras.

Section 5. Seizing Certain Dogs. A dog found biting a person or showing a propensity to bite persons may be summarily seized by any person and promptly delivered to the dog control officer of the city of Madras for impounding.

Section 6. Pound Regulations. Whenever a dog is picked up by or delivered to the dog control officer of the city of Madras he shall forthwith deliver said dog to the Jefferson County dog control officer for impounding, in accordance with regulations with the dog control officer for Jefferson County. The owner shall pay all redemption fees and pound fees required by the county of Jefferson when redeeming his dog from the pound. If the owner does not redeem his dog from the pound it may be humanely killed or delivered to some person agreeing to provide a suitable home in accordance with the regulations then in effect for the county of Jefferson.

Section 7. Right of Appeal. A dog owner believing himself aggrieved by the seizure and impounding of his dog may apply to the municipal judge of the city of Madras for the release of his dog, and the municipal judge shall thereupon set a time and place, for hearing of the application and notify both the Jefferson County dog control officer and the city of Madras dog control officer. Upon a summary hearing at such time and place the municipal judge shall have full power to determine if the dog has been wrongfully impounded and whether he should be returned to his owner and upon what terms.

Section 8. Penalties. A person who violates this ordinance shall be punished by a fine of not less than \$25.00 for the first violation of this ordinance, and by a fine of not less than \$100.00 nor more than \$300.00 for any subsequent violation of this ordinance within a period of three years.

Section 9. Emergency Clause. In order to better preserve the peace, safety and general welfare of the residents of Madras, Oregon, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the common council and approval by the mayor.

Passed by the council and approved by the mayor March 12, 1985.