

ORDINANCE NO. 323

AN ORDINANCE AMENDING CHAPTER 6 OF THE WILSONVILLE CODE: RESCINDING SECTION 6.226(3) AND 6.226(4) BY REPEALING THEM; RENUMBERING SECTION 6.226 TO 6.228, ADDING NEW PENALTY PARAGRAPH (3) AND (4) TO RENUMBERED SECTION 6.228, AND AMENDING 6.230(1) AND 6.260 TO CONFORM TO THE MATTERS ADOPTED HEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the City finds it necessary to adopt prohibitions against certain nuisances caused by dogs, to amend its general nuisance penalty provisions, to renumber its general nuisance section, and to conform its abatement sections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

The following is added to Chapter 6 of the Wilsonville Code:

1. Section 6.226. Dog as public nuisance, public nuisance prohibited:
complaint.

- (1) A dog is a public nuisance if it:
 - (a) Bites a person;
 - (b) Chases vehicles or persons;
 - (c) Damages or destroys property of persons 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 or prolonged noises; or
 - (g) Is running at large. For the purpose of this paragraph "Running at large" shall be defined to be the presence of a dog at any place except upon the premises of the owner. A dog

shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(2) The owner, keeper or person charged with control of a dog in the city shall not allow his or her dog to be a public nuisance under subsection (1) of this section.

(3) Any person who has cause to believe a dog is being maintained as a public nuisance may complain, either orally or in writing, to the chief of police or his designee. The complaint shall be considered sufficient cause for the city to investigate the matter and determine if the owner or keeper of the dog is in violation of subsection (2) of this section.

(4) A dog shall not be considered a public nuisance under this section if the dog bites a person wrongfully assaulting the dog or the dog's owner or if it bites a person trespassing upon premises occupied by the dog's owner after being provoked by that person.

2. Section 6.226. General Nuisances is hereby amended by deleting paragraphs (3) and (4) and renumbering it to Section 6.228.

3. There shall be added to Section 6.228 the following paragraphs:

(3) Any person who creates or maintains a nuisance as defined by Sections 6.202 to 6.226 shall be guilty upon first conviction of a violation pursuant to Section 1.012, and upon such subsequent conviction of a Class C Misdemeanor pursuant to Section 1.011. Each day's violation of this section shall constitute a separate violation.


(4) A person commits the crime of maintaining a nuisance if he fails or neglects to abate such nuisance upon notice thereof and within the time prescribed in such notice shall be guilty of a Class B Misdemeanor pursuant to Section 1.011. Each day's violation of this section shall constitute a separate violation.

4. Section 6.230. Abatement - Notice (1) shall be amended by deleting reference to 6.224 and replacing it with 6.226 and deleting reference to 6.226(2) and replacing it with 6.228(2).

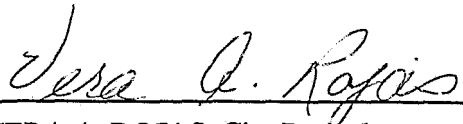
5. Section 6.260. Violation - Civil Injunction (1) shall be amended by deleting reference to 6.226 and replacing it with 6.228.

6. An emergency is declared as dogs as nuisances are imposing an immediate problem to the health and welfare of the citizens of Wilsonville.

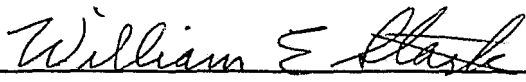
SUBMITTED to the Wilsonville City Council and read the first time at a regular meeting thereof on the 1st day of February, 1988, and scheduled for a second reading at a regular meeting of the City Council on the 16th day of February, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.


VERA A. ROJAS, City Recorder

ENACTED by the Council on the 16th day of February, 1988, by the following votes: YEAS: 5 NAYS: 0.


VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 17th day of February, 1988.


WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>