

ORDINANCE NO. 94-07

AN ORDINANCE PROHIBITING, CONTROLLING, CUSTODY OR POSSESSION OF A DOG WHICH IS A NUISANCE; DEFINING NUISANCE; AND PROVIDING PENALTY; AND REPEALING ALL ORDINANCES IN CONFLICT INCLUDING ORDINANCE 73-2.

The City of Joseph does ordains as follows:

Section 1. Dog Nuisance; Impoundment.

- (1) No person owning or having the control, custody, or possession of a dog shall allow the dog to be a nuisance.
- (2) A dog is a nuisance if it:
 - (A) Trespasses on private property.
 - (B) Disturbs any person by frequent or long continued noise.
 - (C) Injures or kills any animal, or destroys or damages any other property not owned or possessed by the person in charge of the dog.
 - (D) Bites a person, or shows a propensity to do so.
 - (E) Habitually chases vehicles or people.
 - (F) Is a female in heat running at large.
 - (G) A diseased animal.
- (3) A dog that is a nuisance may be impounded by a police officer or Animal Control Officer and he/she may enter onto private property exclusive of dwellings, houses (and other buildings) to do so.
- (4) Any officer or citizen wanting to a dog impounded under this Ordinance shall safely keep such dog until such time as the dog can be picked up by the Wallowa County Animal Control Officer. The disposition of such dog shall thereafter be governed by the applicable Wallowa County Ordinances.

- (5) The Joseph City Council is hereby authorized to execute an agreement with Wallowa County providing for the employment of an Animal Control Officer for the City of Joseph, and for the delivery and disposal of dogs impounded under the provisions of this Ordinance and under the terms of the applicable Ordinance of Wallowa County, including the reimbursement to Wallowa County of necessary expenses required for maintenance of the County Pound.

Section 2. Right to Kill a Dog.

The Wallowa County Sheriff or his/her appointed Deputy shall have the right to kill immediately, any dog whether licensed or not, while off the premises of its owner or out of control of its owner; provided such action is required to prevent harm or damage to any person, animal or property.

Section 3. Licenses.

All owners of dogs within the limits of the City of Joseph shall be required to license their dogs with the County as provided in the Wallowa County Ordinance.

Section 4. Penalties.

Penalties for any person owning or having control, custody, or possession of a dog which is a nuisance and in violation of this Ordinance shall be set by Resolution by the Joseph City Council.

Section 5. Repeal.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed including Ordinance 73-2.

Adopted by the Council on December 16, 1994.