

ORDINANCE NO. 3741

TITLE: AN ORDINANCE AMENDING CHAPTER 6.04 OF THE ALBANY MUNICIPAL CODE BY AMENDMENT OF CERTAIN SECTIONS THEREOF AND ADDITION OF SECTIONS THERETO, PROVIDING THAT CERTAIN ACTS OF DOGS SHALL CONSTITUTE A NUISANCE FOR WHICH THE OWNER THEREOF SHALL BE LIABLE AND MAKING IT UNLAWFUL TO KEEP A DOG THAT CONSTITUTES A PUBLIC NUISANCE AS DEFINED IN THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 6.04.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Amendment of Albany Municipal Code by the addition of

"Section 6.04.095. IMPOUNDMENT OF DOG BITING A HUMAN. Whenever any dog has bitten a human being said dog must be confined in a veterinary hospital, commercial kennel or the city dog pound for a period of ten (10) days for observation. The cost of impoundment shall be the obligation of the owner or keeper of said dog."

Section 2: AMENDMENT

Section 6.04.150 is amended to read as follows:

"RUNNING AT LARGE DEFINED. All dogs found upon public streets, highways, or other public places, in the city, or upon private property other than the owner, and not under the voice control of the owner or keeper (for the purpose of this Ordinance, a dog more than 50 feet from its owner or keeper shall be deemed to be beyond the voice control), shall be deemed to be running at large within the meaning of this chapter.

Section 3:

"Section 6.04.170. CIRCUMSTANCES UNDER WHICH A DOG IS A PUBLIC NUISANCE. Dogs shall be considered a public nuisance under the meaning of this Ordinance in the following instances:

- (a) Any dog, when unprovoked, bites any person or animal;
- (b) Any dog which chases vehicles or when off the premises of the owner or keeper, chases any person or persons;
- (c) Any dog which scatters garbage other than that of its owner or keeper;
- (d) Any dog which habitually trespasses on private property.
(Trespass of more than two (2) occasions shall be considered as habitual under the meaning of this section.
- (e) Any dog which, through its barking, disturbs the peace and repose of the immediate neighborhood.

Section 4:

"Section 6.04.175. UNLAWFUL TO KEEP DOG THAT IS A NUISANCE. It shall be unlawful for any person being the owner or keeper of any dog to permit the said dog to be a public nuisance as heretofore defined in this chapter."

Section 5:

"Section 6.04.180. OWNER OF DOG RESPONSIBLE FOR DAMAGES. Any owner or custodian of a dog which destroys or damages any property of another person shall be responsible for damages incurred by such dog."

Section 6: PRESUMPTIONS.

"Section 6.04.185. PRESUMPTIONS

- (a) It shall be presumed that the person shown on the application for license of a dog as the owner is the owner of such dog.
- (b) The adult occupants of a dwelling shall be presumed to be the co-owners of any dogs housed in such dwelling or on the premises thereof.

Section 7:

"Section 6.04.190. PENALTY CLAUSE. Any person violating any of the provisions of Chapter 6.04 of the Albany Municipal Code shall be deemed guilty of a misdemeanor and shall be subject to those penalties set forth in Section 1.04.010 of the Albany Municipal Code. In addition to the penalties therein provided, the court may direct the destruction of any dog that is a biter of persons or killer of domesticated animals."

PASSED BY THE COUNCIL
President

October 24, 1973

APPROVED BY THE MAYOR

October 24, 1973

EFFECTIVE DATE:

November 23, 1973

David C Hays

Mayor (Council President)

ATTEST:

Ernest W. Isham
City Recorder