

where massage is given or where there is any patron of the establishment; or

(c) He, as a principal, agent, officer or employee of a massage business, causes, permits, aids or abets any violation of this section by any agent or employee of the massage business.

5.215 Nuisances Declared.

Any places where prohibited touching, promoting prohibited touching or nudity in massage is conducted or carried on as described in sections 5.200 to 5.210 is declared a nuisance and may be enjoined and abated as described in section 5.220.

5.220 Nuisance--Suit in Equity.

Whenever a nuisance exists under section 5.215, the city attorney may maintain a suit in equity in the name of the city perpetually enjoining such nuisance and for its abatement. Such suit may be brought regardless of whether any individuals have been convicted under the provisions of sections 1.205 to 1.255.

DOGS

5.250 Definitions.

As used in sections 5.250 to 5.340, the following words and phrases shall have the meanings ascribed to them in this section:

Owner of property. Any person who has legal or equitable interest in said real property or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

Running at large. Off or outside the premises belonging to the person having the control, custody or possession of the dog while the dog is not under the complete control of such person by means of an ade-

quate leash, or is within a vehicle of such person.

Keeping a dog. Harboring, caring for, exercising control over, or knowingly permitting any dog to remain on the premises occupied by the person.

Dangerous dog. Any dog which bites any human being, dog, cat or livestock, or which chronically demonstrates menacing behavior toward human beings, dogs, cats or livestock. For purposes of this section, "menacing behavior" shall include, but not be limited to, baring of teeth, charging at a victim, growling in a threatening manner or approaching a victim within ten feet while barking.

Permit. For purposes of sections 5.250 to 5.340, conduct by the keeper of a dog which is intentional, deliberate, careless, inadvertent or negligent.

5.255 Enforcement.

It shall be the duty of the chief of police or any other designated police officer, or the dog control officer of the city to enforce the provisions of sections 5.250 to 5.340.

5.260 Violations.

It shall be a violation for a keeper of any dog to:

(1) Permit any such dog to run at large, as defined in section 5.250, upon any public street, highway or public place, or upon private property owned by a person or persons other than the keeper of the dog within the corporate limits of the city.

(2) Permit a dog to chase a vehicle or person.

(3) Permit a dog to scatter garbage.

(4) Permit a dog to damage or destroy property of persons other than the keeper of the dog.

(5) Permit any dog to cause unreasonable annoyance, alarm or noise disturbance at any time of the day or night by repeated barking, whining, howling or other like sounds which may be heard beyond the boundary of the keeper's property.

(6) Keep a dangerous dog. It shall be an affirmative defense that a dog bites, attacks, or menaces a trespasser on the property of its keeper or anyone wrongfully assaulting that dog or its keeper.

(7) To leave a dog unattended for more than 24 consecutive hours without adequate food, water, shelter, care or supervision. Shelter shall include a structure or other means of protection from the weather and injury.

(8) Physically mistreat any dog, either by deliberate abuse or neglect to furnish adequate care, including medical attention.

5.265 Removal of Animal Wastes.

Any person in physical possession and control of a dog shall remove excrement or other solid waste deposited by the dog in any area not designed to receive such wastes, including but not limited to public areas such as streets, sidewalks, parking strips, public parks and any private property owned by a person or persons other than the person in physical possession and control of the dog within the corporate limits of the city.

5.270 Rabies Inoculation Required.

All dogs must be inoculated against rabies, unless specifically exempted by rule of the State of Oregon Health Division or State Department of Agriculture. Rabies certificates shall be current through November of the current year.

5.275 Licensing.

Every person keeping a dog which

has a set of permanent canine teeth shall, not later than March 1st of each year, or within 30 days from the date the person becomes the keeper of the dog, obtain from the city manager, a license for the dog by paying to the city manager a license fee and furnishing a current certificate of rabies inoculation for the dog. The license fee shall be established periodically by motion of the West Linn city council. The keeper of the licensed dog shall attach the license tag issued for the dog to a collar, which collar shall be worn by the dog at all times when not in the immediate possession of the keeper of the dog. If the person fails to obtain the license within the time provided by this section, then the license fee shall be in an amount equivalent to the regular license fee, plus an additional amount equivalent to the penalty established by motion of the West Linn city council.

5.280 Conditions for Reduction of License Fees Issued After July 1st of Each Calendar Year.

(1) Notwithstanding any other provision of sections 5.250 to 5.340, if a dog license is issued pursuant to section 5.275 after July 1st, the person keeping the dog shall pay the rate set forth in section 5.275 unless that person can establish by evidence satisfactory to the chief of police or a designee that

(a) The person moved into the city after July 1st;

(b) The dog acquired permanent canine teeth after July 1st;

(c) The person had acquired the dog after July 1st and the dog had not previously been kept within the city.

(2) In the event that the conditions set forth above are met, a license fee charged for the remainder of the calendar year shall be one-half the charge established

by section 5.275.

5.285 Impounding.

Any member of the police department or the dog control officer of the city is authorized to impound any dog found running at large as defined in section 5.250 or that is found to be unlicensed.

5.290 Seizing Certain Dogs.

A dog found biting a person or which has bitten any person may be summarily seized by any person and promptly delivered to any member of the police department or the dog control officer for impounding. The West Linn police department or the dog control officer may allow impoundment of the dog in the keeper's home if the person is bitten on a part of the body below the neck.

5.295 Destroying Certain Dogs.

A dog which is rabid shall be destroyed. Any person may summarily kill a rabid dog.

5.300 Pound Regulations.

(1) Whenever a dog is impounded under the authority of section 5.250 to 5.340 and the keeper of such dog is known, that person shall be given notice of the impounding by personal service or mailing the notice by regular mail, to the keeper's last known address. The keeper of such dog shall have at least five days from the date of impoundment to claim the dog and pay the redemption fee hereinafter provided and if he fails to claim the dog within such time and pay the fees hereinafter provided, the dog shall be disposed of as hereunder provided.

(2) When a dog is impounded under the authority of sections 5.250 to 5.340, the keeper thereof is unknown, a notice shall be posted in three public places

in or about the city. The notice shall contain a general description of the impounded dog, showing breed, sex, color, and markings and shall designate the date upon which the described dog shall be disposed of unless otherwise claimed and redeemed. Such date shall not be less than five days after impounding the dog; if no claim or redemption by the keeper of the described dog is made within the time fixed by the notice, such dog shall be disposed of as hereinafter provided.

(3) Any dog impounded for having bitten a person shall not be released until after expiration of a 10-day period to allow an appropriate health check.

(4) Any dog impounded under authority of sections 5.250 to 5.340 may be released to the keeper thereof upon payment to the city manager of the following charges:

(a) A redemption fee of twenty dollars for the first impound in a calendar year and \$25 for all other impounds during the same calendar year;

(b) The actual cost of boarding a dog; and

(c) All applicable license fees and penalties if said dog is not licensed.

(5) If an impounded dog is not claimed by its keeper within the time limits fixed above, it may be released to any person on payment to the city manager of the fees and charges fixed in subsection (4) of this section and subject to the claim of the keeper of such dog upon reimbursement of the fees and charges so paid; provided, that the claim of such keeper is made within one month after the date of impounding. Upon releasing any dog to a person other than its keeper, the police department or dog control officer shall obtain and keep a written receipt from such person acknowledging that such person holds the dog subject to the claim of the keeper upon reimbursement of the fees

and charges paid.

(6) If no claim or redemption by the keeper of the described dog is made within the time fixed by the applicable notice and if no person claims the impounded dog pursuant to subsection (5) of this section, such dog shall be sold, given away or humanely killed at the expiration of such time.

5.305 Record of Impound.

The police department or the dog control officer shall make in triplicate a detailed record of each dog impounded showing the date and time impounded, description of the dog, name and address of the keeper, if known, and the name and address of the person to whom the dog is released, date of release, or date and method of other disposal. The original of such records shall be retained with the kennels, the duplicate copy shall be kept by the police department and the triplicate copy shall be filed with the city manager.

5.310 Finders of Lost Dogs.

A person who finds a dog within the city limits may surrender the animal to the city or retain its possession subject to surrender upon demand of the city or the keeper of the dog. Records of reported findings shall be retained by the city and made available for public inspection.

5.315 Interference with Officers.

It is unlawful for any person to interfere in any way with any police officer or the dog control officer of the city engaged in seizing or impounding any dog under authority of sections 5.250 to 5.340.

5.320 Injured or Sick Dogs.

(1) The member of the police department or the dog control officer of the

city who impounds any dog which is in need of medical attention, may, at their discretion, authorize the necessary medical attention, or have the dog humanely killed.

(2) The member of the police department, or the dog control officer of the city, shall make a diligent effort to locate the keeper of a dog in need of medical attention before authorizing such medical attention or disposal of said dog.

(3) Should the member of the police department or the dog control officer of the city authorize the necessary medical attention, the keeper of the dog shall be liable for the costs of the medical treatment rendered to the animal.

5.325 Duties of a Driver of Motor Vehicle.

(1) Any person operating a motor vehicle upon premises open to the public who runs over, strikes, injures, maims or kills any dog shall:

- (a) Immediately stop;
- (b) Make a reasonable effort to determine the nature of the injuries;
- (c) Render reasonable aid to the dog, if injured;
- (d) Make due and diligent inquiry to determine and notify the keeper of the dog;
- (e) Notify the city of the injury or death, if unable to contact the keeper.

(2) The requirements of this section for a driver to stop and attend to an injured dog depend upon the specific traffic hazards existing at the time of the accident.

5.330 Poisonous Food.

No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals other than rodents.

5.335 Kennels Prohibited.

It is unlawful for dog kennels to exist or operate in any area of the city other than areas which are zoned for such a use. For purposes of this section, any property where more than four dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture, is deemed to be a kennel. A person may have more than four dogs and not be deemed a kennel, if one of the dogs is a female with a litter under the age of six months.

5.340 Penalties.

(1) Any person convicted of a violation of section 5.315 or section 5.330 shall be subject to imprisonment for not more than six months or a fine not to exceed \$1,000 or both.

(2) Any person convicted of a violation of section 5.325 shall be subject to a fine not to exceed \$250.

(3) Any person convicted of a violation of subsections (1) through (6) of section 5.260 shall be subject to a fine not to exceed \$500; and the court, in its discretion, may also order the removal of the dog from the city of West Linn, restitution for damages or any other remedy within the power of the court. Further, for violation of section 5.260(6), the court may order destruction of the dog involved. Destruction of a dog may be ordered if:

(a) A dog, whether or not confined, causes the serious injury or death of any person; or

(b) A dog, while at large, kills any domestic animal;

(c) A dog engages in or is found to have been trained to engage in exhibitions of fighting; or

(d) A dog repeats behavior such as aggressively biting or causing

physical injury to any person or domestic animal.

(4) Except as where otherwise provided, any person convicted of a violation of any provisions of sections 5.250 to 5.335 shall be subject to a fine not to exceed \$500.

Each day's violation of a provision of sections 5.250 to 5.335 constitutes a separate offense.

NUISANCES

5.400 Definitions.

For purposes of sections 5.400 to 5.530, except where the context indicates otherwise, the following terms shall have the meanings given to them in this section:

Offensive. A condition that impacts the appearance of an area and offends the surrounding neighbors, or is a fire or health hazard. This definition applies to the word "offends."

Person in charge of property. An agent, occupant, lessee, contract purchaser, or person, other than the owner, having possession or control of the property.

Public place. A building, place, or accommodation, whether publicly or privately owned, open and available to the general public.

Surrounding neighbors. Any two people of separate residences of property adjacent to, contiguous with or directly across the street from the offending property or condition.

5.405 Animals--Communicable

Disease. No person may permit an animal or bird owned or controlled by him to be at large within the city if the animal or bird is afflicted with a communicable disease.

5.410 Dangerous Animals.

No person may permit his wild or