

LEGAL NOTICES

NOTICE OF SPECIAL ELECTION TO AUTHORIZE DOG CONTROL ORDINANCE

On November 8, 1971, in the City of Nyssa, from 8:00 o'clock A.M. until 8:00 P.M., a special election will be held at which the following measure will be submitted to the voters for their approval:

AUTHORIZING LICENSEING, IMPOUNDING AND DISPOSAL OF DOGS AND PROHIBITING RUNNING-AT-LARGE.

Shall Ordinance No. 434 providing for the licensing of dogs, prohibiting dogs from running at large, providing for impounding and disposal of dogs and providing penalties for violation thereof take full force and effect on the 10th day of January, 1972, as provided in said ordinance.

500 For Dog Control Ordinance—YES
501 For Dog Control Ordinance—NO

The polling place for the election will be at the Meeting Room of the Nyssa Public Library, 319 Main Street, Nyssa for all precincts.

WITNESS my hand and seal of the City of Nyssa this 15th day of October, 1971.

Fred O. Koch, City Recorder
Published October 21, 28 and November 4, 1971.

On November 8, 1971, in the City of Nyssa, from 8:00 o'clock A.M. until 8:00 P.M., a special election will be held at which the following measure will be submitted to the voters for their approval:

AUTHORIZING CONTINUING ANNUAL TAX LEVY FOR ENFORCEMENT DOG CONTROL ORDINANCE

"Shall the City Council of the City of Nyssa be authorized to levy annually a special tax not exceeding \$6,500 upon all taxable property within said City, for the purpose of providing funds to enforce Ordinance No. 434, known as the dog control ordinance, and any future amendments thereto, including employment and salary of a poundmaster, for purchase of required equipment and for expenses of administering a dog control program, which tax shall be outside the limitation on taxation in Article XI, Section 11, of the Oregon Constitution, and in addition to existing

levies."

502 For Annual Tax Levy—YES

503 For Annual Tax Levy—NO

The polling place for the election will be at the Meeting Room of the Nyssa Public Library, 319 Main Street, Nyssa, for all precincts.

This measure, if adopted, will empower the City Council to levy each year, commencing with the fiscal year 1971/1972 a special tax in such sum, not exceeding \$6,500 in any year, as in the judgment of the City Council, may be required to enforce and fulfill the provisions of Ordinance No. 434, commonly known as the Dog Control Ordinance. THIS LEVY WILL BE IN ADDITION TO THE EXISTING CITY TAX LEVY AND OUTSIDE THE CONSTITUTIONAL SIX PER CENT LIMITATION UPON THE CITY'S TAXING AUTHORITY.

WITNESS my hand and seal of the City of Nyssa, this 15th day of October, 1971.

Fred O. Koch, City Recorder
Published October 21, 28 and November 4, 1971

DOG CONTROL ORDINANCE

PLEASE TAKE NOTICE that appearing below is a true copy of Ordinance No. 434 of the City of Nyssa, duly adopted by the City Council on the 12th day of October, 1971, which ordinance has been referred to the legal voters of the City, for their approval or disapproval at a special election called to be held on Monday, November 8, 1971. The ballot title and proposition to be voted upon is set forth in the foregoing notice of election.

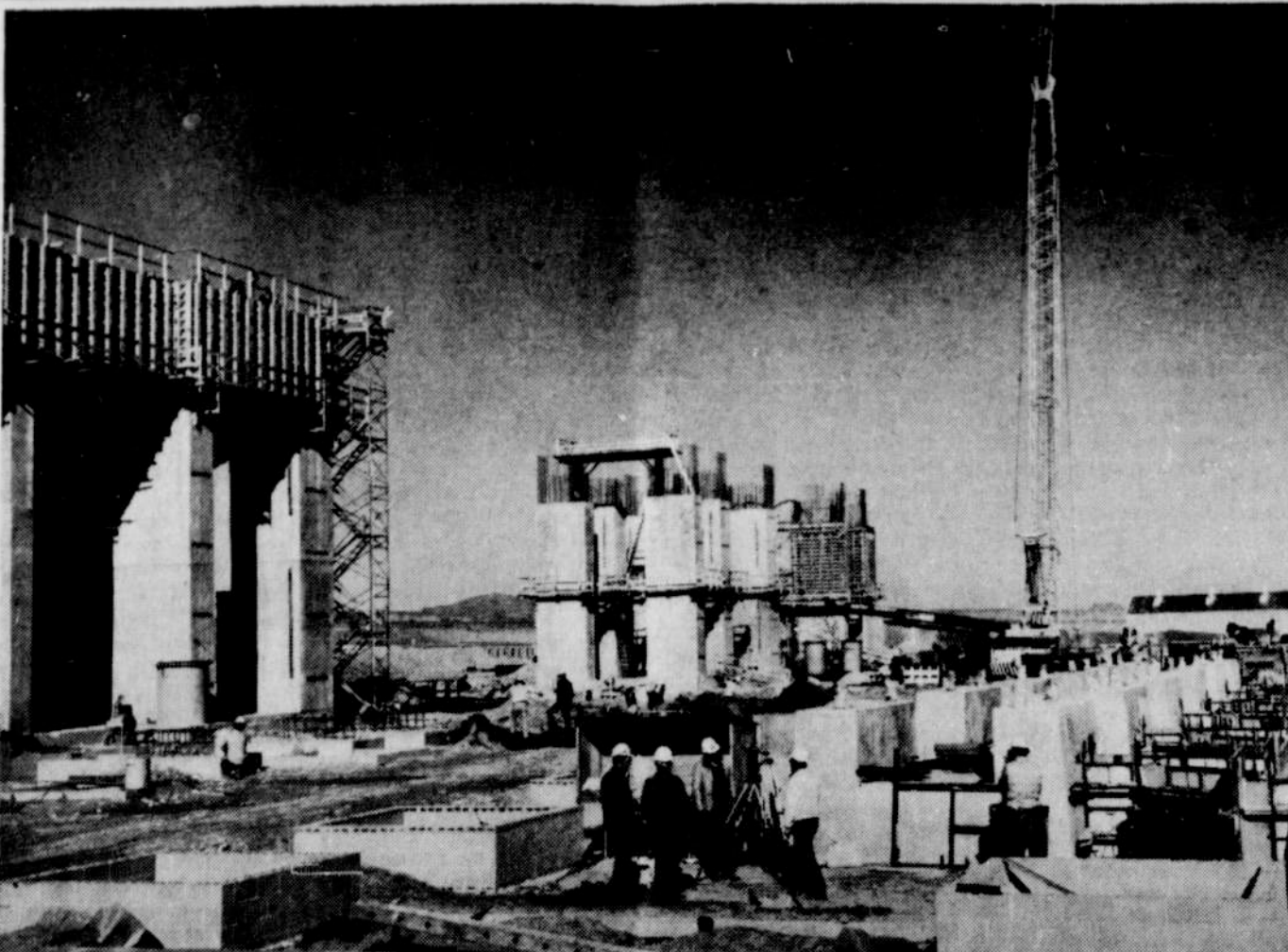
In the event a majority of the legal voters approve Ordinance No. 434, it will take effect on January 10, 1972. In the event a majority of the legal voters reject Ordinance No. 434, it will become null and void.

ORDINANCE NO. 434
AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS, PROHIBITING DOGS FROM RUNNING AT LARGE, PROVIDING FOR IMPOUNDING AND DISPOSAL OF DOGS, AND PROVIDING PENALTIES FOR VIOLATIONS.

THE CITY OF NYSSA DOES ORDAIN:

Section 1. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates:

(a) "Dog" shall be intended to mean both male and female;



The Jim Bridger steam generating plant being built jointly by Idaho Power Company and Pacific Power & Light Company is steadily taking structural shape at its remote desert site in southwestern Wyoming. Virtually completed is the turbine foundation, seen at left, for the first 500,000-kilowatt unit that will begin production in 1974 to help supply the growing electric energy needs of Idaho Power customers. Rising at center is the turbine

(b) "Owner" shall be intended to mean any person or persons, firm, associations or corporation owning, keeping, or harboring a dog.

(c) "Leash" shall be intended to mean any chain, rope, cord, or similar means of physical control.

(d) "At Large" shall be intended to mean off the premises of the Owner, and not under the control of the Owner or a member of his immediate family either by leash, rope, cord, chain or other physical control.

Section 2. LICENSE REQUIREMENT. It shall be unlawful for any person to own, harbor, keep or possess a dog within the City without first procuring a license therefor as provided by this ordinance. The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the city for a period not exceeding thirty (30) days, nor to dogs brought into the city for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually

being used by blind persons for the purpose of aiding them in going from place to place.

Section 3. LICENSE-APPLICATION-FEES. All dog licenses shall be issued for the calendar year and shall expire as of December 31st of the year. The owner or person having in charge any dog within the city limits of the City, subject to license, shall, not later than March 1st of each year, or within 30 days after becoming owner or keeper of such dog, whichever is later, make application for a dog license to the City Recorder, or to such other person or persons designated by the City to issue dog licenses, and shall pay at the time of application a license fee of \$2 for each male or spayed female dog and of \$3 for each female dog. Upon receipt of application and fees, there shall be issued to said applicant a receipt and numbered license designating the owner's name and address, the sex of the dog and the fee paid by applicant, together with a tag bearing the year of issue, the name of the County in which issued and a number corresponding to that upon the receipt and license. It shall be

unlawful for anyone to make a false statement in said application for said license.

Section 4. COLLAR-TAG. Every Owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are worn at all times. In case a dog tag is lost or destroyed, a duplicate will be issued by the Clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a fifty (50%) cent fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the owner's leaving the city before expiration of the license period.

Section 5. RUNNING AT LARGE. It shall be unlawful for any owner or keeper of a dog to allow or permit such dog, whether licensed or not to be or remain upon the streets or alleys, or in any other public place in the City, or upon any other premises without the consent of the person in possession of such premises, unless such dog shall:

(a) be in charge of a person and controlled by a leash not exceeding 10 feet in length, or

(b) be confined in a motor vehicle or other means of transportation.

Section 6. DOGS WHICH ARE NUISANCES. A dog is a nuisance if it:

(a) howls or barks in such a manner as to deprive any person of peace and quiet,

(b) runs at large,

(c) trespasses on property not owned by or under control or custody of the owner or custodian of such dog,

(d) bites a person,

(e) chases vehicles or persons.

Section 7. IMPOUNDING. It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of Section 5 and to impound such dog in the city pound or other suitable

place. The Poundmaster, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed in Malheur County, Oregon, he shall determine the name and address of the owner and enter the same with the number of the licensed dog. Licensed dogs shall be separated from unlicensed dogs.

Section 8. NOTICE TO OWNER AND REDEMPTION. Not later than three (3) days after the impounding of any dog, a written notice shall be posted on the bulletin board at the City Hall of the City, which notice shall state the date of said notice, the date of taking up and impounding said dog, a general description thereof, the dog's license number and name of owner, if licensed by the County of Malheur, and a statement that said dog will be disposed of at the expiration of five (5) days from the date of posting such notice, except as hereinafter otherwise provided.

In addition to the foregoing the City shall ascertain the name and address of the owner of all non-Malheur County dogs bearing a current license or other means of identification and shall immediately notify such owner by U.S. Registered or Certified Mail, with return receipt requested, of the impounding of such dog and that such dog will be disposed of as provided by this ordinance unless claimed within 5 days after the date of receipt of such notice as indicated by said return receipt.

If within said period the owner or keeper of such impounded dog shall claim the same, he shall be entitled to recover possession of said dog upon payment to the City Recorder of a claim fee of \$1 plus the cost of taking up and caring for said dog while impounded and if such dog shall be unlicensed, the claimant shall pay in addition to the foregoing, an annual license fee, plus penalty, if required by this ordinance.

If at the expiration of the applicable period of notice as herein before provided, any dog

Gov. McCall Appoints State Ombudsman

Governor Tom McCall named Robert W. Oliver, 40, Salem, to fill the position of Ombudsman. He will replace Oregon's first Ombudsman, Marko Haggard, who resigned recently to accept a position with the Oregon Board of Education.

Oliver has been McCall's legal counsel and assistant for public safety since 1969. His successor will be announced Wednesday.

"An ombudsman needs to have a rare blending of investigative skill and human compassion," McCall said. "Bob has proved, again and again, that he has a keen mind, a patient ability to track down facts, and a devoted concern for human rights and sensibilities. He is a remarkably qualified man for this remarkably difficult office."

Oliver completed his undergraduate work and attained his



shall be unclaimed, or the owner or keeper thereof shall fail to pay the claim fee, costs and charges as provided in this section, the Poundmaster may dispose of such dog:

(a) by delivering the same to any person who will pay the license fee provided herein plus the claim fee and costs herein provided, or

(b) by destroying such dog in a humane manner.

Section 9. IMPOUNDING-INTERFERENCE UNLAWFUL. It shall be unlawful for any person to hinder, molest or interfere with anyone who may be engaged in seizing, keeping or removing any dog in conformity with the provisions of this ordinance.

Section 10. RABIES. The City Health Officer of the Poundmaster shall have authority to order the owner of any dog showing symptoms of rabies, or which has bitten any person, so as to cause an abrasion or laceration of the skin, to submit such dog to the City Pound for quarantine for a period not to exceed 15 days, and if the dog shall be determined free of rabies, the same shall be returned to the owner. Then regular fee for maintaining impounded dogs shall be payable by the owner if such dog was in violation of this ordinance at the time of being taken up. In lieu of submitting such dog to the City Pound, the owner may, at his own expense, submit such dog to a licensed veterinarian for examination. The owner shall not thereafter remove such dog from custody of said veterinarian unless the latter shall certify that such dog is free of rabies.

The owner of the City Poundmaster shall cause any dog determined to be afflicted with rabies to be immediately destroyed.

Section 11. DOGS-DESTRUCTIVE OR DISEASED. Any dog impounded hereunder and suffering from serious injury or disease, may be humanely destroyed at the discretion of the City Poundmaster.

Section 12. RULES AND REGULATIONS-FEES. The City shall adopt such rules and regulations and schedule of fees to be charged for the care of any impounded dog, as may be necessary for the enforcement of the provisions of this ordinance.

Section 13. RABIES-NOTICE. If a dog is believed to have

rabies or has been bitten by a dog suspected of having rabies, or has bitten any person, such dog shall be placed under the observation of a veterinarian at the expense of the owner for a period of fifteen (15) days. The Poundmaster is empowered to have such dog removed to a veterinary hospital and there placed under observation at the expense of the owner. Every owner, or other person, upon ascertaining that a dog is rabid shall immediately notify the Poundmaster or a policeman, who shall either remove the dog to the pound or to a veterinary hospital, or shall summarily destroy it.

Section 14. PENALTIES. Any owner found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$15 for the first offense; not less than \$50 for the second offense; not less than \$100 for the third offense; and not less than \$150 for all subsequent offenses.

Section 15. REPEAL OF CONFLICTING ORDINANCES. All existing ordinances of the City of Nyssa are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

Section 16. SEPARABILITY OF PROVISIONS. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Section 17. EFFECTIVE DATE. This ordinance shall be in full force and effect ninety (90) days from and after its passage, approval and publication.

Passed by the City Council of the City of Nyssa, Oregon, by the following vote on this 12th day of October, 1971.

AYES: Bauman, Coffman, Metcalf, Morrison, Oldmeyer and Stenkamp

NAYES: None
ABSENT: Rieb

Approved by the Mayor of the City of Nyssa, Oregon this 12th day of October, 1971.

Larry A. Bauman, Mayor
ATTEST: Fred O. Koch, City Recorder

Published October 21, 28, 1971

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