

Title 6

ANIMALS

Chapters:

6.04 Livestock and Fowl

6.08 Dangerous or Vicious Animals

6.12 Possession, Sale or Transfer of Clarias Batrachus

Chapter 6.04**LIVESTOCK AND FOWL***

Sections:

- 6.04.010 Definitions.
 6.04.020 At large.
 6.04.030 Violation – Penalty.

*Prior legislation: Ords. 26, 373 and 479.

6.04.010 Definitions.

For the purposes of this chapter:

(1) “At large” shall mean off the premises of the owner or keeper of the livestock or fowl and not under the immediate control of such owner or keeper.

(2) “Fowl” shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

(3) “Keeper” shall mean any person who feeds, keeps, or maintains any livestock or fowl on or about his or her premises, or who exercise any control over such livestock or fowl.

(4) “Livestock” shall mean animals of the bovine species, horses, mules, asses, sheep, goats and swine. (Ord. 1361 § 1, 1968)

6.04.020 At large.

It shall be unlawful for any owner or keeper of livestock or fowl to permit the same to be at large within the city of North Bend. (Ord. 1361 § 2, 1968)

6.04.030 Violation – Penalty.

Any person who shall willfully or negligently violate any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed \$100.00 for a first offense and not to exceed \$200.00 for a second or subsequent offense. (Ord. 1361 § 3, 1968)

Chapter 6.08**DANGEROUS OR VICIOUS ANIMALS**

Sections:

- 6.08.010 Definitions.
 6.08.020 Nuisance declaration.
 6.08.030 Physical restraint – Hearing – Notice.
 6.08.040 Physical restraint – Hearing – Notice not required when.
 6.08.050 Violation – Penalty.

6.08.010 Definitions.

For the purposes of this chapter:

(1) “Keeper” shall mean any person who feeds, keeps or maintains any animal on or about his or her premises, or who exercises any control over such animal.

(2) “Under physical restraint” shall mean in a pen or cage or within a building or structure, or on a leash, rope, chain or otherwise physically restrained from leaving the premises or control of the owner or keeper.

(3) “Vicious or dangerous animal” shall mean any animal which shall bite, harm, molest or attack any person or animal without reasonable provocation, and said term shall further mean any animal having a communicable disease. (Ord. 1495 § 1, 1974)

6.08.020 Nuisance declaration.

All vicious or dangerous animals which are not under physical restraint within the corporate limits of the city of North Bend are hereby declared to be public nuisances, and it shall be unlawful for any owner or keeper of any animal, who knows or has reasonable cause to know that such animal is vicious or dangerous, to fail to keep such animal under physical restraint. (Ord. 1495 § 2, 1974)

6.08.030 Physical restraint – Hearing – Notice.

Whenever a vicious or dangerous animal shall be found within the corporate limits of the city of North Bend which is not held or kept under physical restraint, the city may notify the owner or keeper that such animal is known or reputed to be vicious or dangerous and to require such owner to appear before the municipal judge of the city of North Bend at a specified time not earlier than 24 hours after service of such notice to show cause why such animal should not be ordered to be kept under physical restraint, impounded, removed

from the corporate limits of the city of North Bend or destroyed as a public nuisance. After said hearing if the municipal judge shall determine from the evidence presented that the animal is vicious or dangerous, then it shall be the duty of the municipal judge to order that such animal be kept under physical restraint, be impounded, be removed from the corporate limits of the city of North Bend or be destroyed, depending upon the degree of danger involved and the other attending circumstances. (Ord. 1495 § 3, 1974)

6.08.040 Physical restraint – Hearing – Notice not required when.

In the event that any vicious or dangerous animal shall be found which is not held under physical restraint and if the identity of the owner or keeper of such animal cannot be determined after reasonable inquiry, then no notice shall be required to be given prior to a hearing before the municipal judge of the city of North Bend. Any dog running at large without a license tag prescribed by ORS 609.100 shall be deemed and presumed to be a stray or abandoned dog without owner or keeper. (Ord. 1495 § 4, 1974)

6.08.050 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter or lawful order of the municipal court is punishable, upon conviction, by a fine not to exceed \$300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1495 § 5, 1974)

Chapter 6.12

POSSESSION, SALE OR TRANSFER OF CLARIAS BATRACHUS

Sections:

- 6.12.010 Purpose.
- 6.12.020 Unlawful acts.
- 6.12.030 Violation – Penalty.

6.12.010 Purpose.

Clarias batrachus have been introduced into certain areas of the United States and have been able to infest bodies of water where they kill other forms of aquatic life but cannot themselves be controlled because of their ability to move over land as well as in water and have become dangerous and uncontrollable public nuisances, and it now appears that said fish may be introduced into the corporate limits of the city of North Bend and it is necessary in the interest of the public safety, health and welfare that immediate action be taken. (Ord. 1393 § 3, 1970)

6.12.020 Unlawful acts.

It shall be unlawful for any person, firm or corporation to keep, possess, sell or transfer any Clarias batrachus, commonly known as “Walking Catfish” within the corporate limits of the city of North Bend. (Ord. 1393 § 1, 1970)

6.12.030 Violation – Penalty.

Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed \$300.00. (Ord. 1393 § 2, 1970)