

AFFIDAVIT OF POSTING

ORDINANCE CB-0-98-87

STATE OF OREGON )  
COUNTIES OF CLACKAMAS )  
AND WASHINGTON )  
CITY OF WILSONVILLE )

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 15th day of June, 1988, I caused to be posted copies of the attached Ordinance CB-O-98-87, an Ordinance repealing Ordinance No. 323 and declaring an emergency, in the following four public and conspicuous places of the City, to wit:

WILSONVILLE CITY HALL

WILSONVILLE POST OFFICE

LOWRIE'S FOOD MARKET

KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 20th day of June, 1988.

  
VERA A. ROJAS, City Recorder

Subscribed and sworn to before me  
this 20th day of June, 1988.

  
NOTARY PUBLIC STATE OF OREGON

My Commission expires: 8-23-89

ORDINANCE NO. 328

**AN ORDINANCE REPEALING ORDINANCE NO. 323 AND  
DECLARING AN EMERGENCY**

WHEREAS, the City of Wilsonville adopted Ordinance No. 323 in an attempt to strengthen dog control enforcement within the city; and

WHEREAS, the City of Wilsonville does not operate a dog control program; and

WHEREAS, the Clackamas County Dog Control Agency interprets state law regarding dog control to not allow them to provide dog control services in a city having its own dog control ordinance; and


WHEREAS, due to the apparent conflict between Ordinance No. 323 and State Law, it is desirable to repeal Ordinance No. 323 to insure dog control services are available to Wilsonville citizens.

NOW, THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 323 is hereby repealed.

Section 2. Dog control programs are an essential service necessary for the public health, safety and welfare. Therefore an emergency is declared to exist and this ordinance shall be in full force and affect upon its passage.


SUBMITTED to the Wilsonville City Council and read the first and second time at a regular meeting thereof the 20th day of June, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.



VERA A. ROJAS, City Recorder


ENACTED by the Council on the 20th day of June, 1988, by the following votes:

AYES: 5      NAYS: 0.



VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 21<sup>st</sup> day of June, 1988.



WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark      AYE  
Councilor Edwards      AYE  
Councilor Braymen      AYE  
Councilor Clarke      AYE  
Councilor Jameson      AYE

# CITY OF WILSONVILLE

## MEMO

TO: Honorable Mayor and City Council

FROM: Pete Wall  
City Manager

SUBJECT: Ordinance Repealing Ordinance No. 323

DATE: June 16, 1988

In February the City Council adopted Ordinance No. 323 which was intended to strengthen dog control enforcement in the city. Soon after the ordinance was passed, we were informed by the Clackamas County Dog Control office that they could no longer enforce dog control laws in the city or provide services. They based this on an interpretation of state law which reads in part: "A county dog licensing and control program shall not apply within the limits of a city which has its own dog licensing and control program" (emphasis added).

We disagreed with the county's interpretation due to the fact that we do not have a licensing or a control program. We simply had an ordinance. However, we could not agree on interpretation and the county would not enforce dog control laws or provide any other services. We then attempted to reach a compromise through an intergovernmental agreement.

Two weeks ago I was contacted by Jono Hildner, Director of Human Resources for Clackamas County. To be sure, human resources do not normally include dogs, but nevertheless Mr. Hildner is responsible for dog control for Clackamas County. Mr. Hildner maintained that their interpretation of the law remained the same and as long as our ordinance was in effect they could not provide services even under an intergovernmental agreement. He agreed that there is a problem with dog control in the county and indicated that the county would be starting a project with the cities to try to have a uniform ordinance for all of us in Clackamas County.

Mr. Hildner indicated that if we would repeal our ordinance, dog control services would be restored to Wilsonville using state law until a uniform ordinance can be prepared and adopted. I indicated to Mr. Hildner that an ordinance would be presented to the City Council at the next meeting. Since that conversation, the county has been providing dog control services pending repeal of Ordinance No. 323.

When the county stopped providing dog control services, we had a large number of complaints from the public. The intent of Ordinance No. 323 was to strengthen dog control but in reality it weakened it due to the fact that no services were being provided. The ordinance was superior to state law but can only be effective if enforced. The county realizes the need for stronger dog control laws and this can be accomplished in the future if a new ordinance is mutually adopted. In the meantime, state law is better than no enforcement at all.

RECOMMENDATION: Adopt the ordinance repealing Ordinance No. 323.

pw:lb