

RESOLUTION NO. 2255

A RESOLUTION OF THE CITY OF WILSONVILLE GRANTING CONSENT TO CLACKAMAS COUNTY TO ADMINISTER ITS DOG CONTROL AND LICENSING ORDINANCE WITHIN THE CITY OF WILSONVILLE

WHEREAS, ORS 203.040 requires consent be given by the city in order for a county ordinance to apply within the city; and

WHEREAS, the City finds it would be beneficial to grant consent to Clackamas County to administer the County's dog control and licensing ordinance within the City of Wilsonville.

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

1. Wilsonville hereby grants consent to Clackamas County to administer the county's dog control and licensing ordinance, Clackamas County Code Chapter 5.01 within the city.
2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 4th day of October, 2010 and filed with the Wilsonville City Recorder this date.


Tim Knapp, Mayor

Attest:


Sandra C. King, City Recorder

Summary of Votes:

Mayor Knapp - Yes

Councilor Kirk - Excused

Councilor Núñez - Yes

Councilor Hurst - Yes

Councilor Goddard - Yes

Attachment: September 30, 2010 Memorandum from Steve Wheeler, Clackamas County Administrator re: Dog Services Code Changes

MEMORANDUM

September 30, 2010

To: City Managers of Clackamas County
CC: Cam Gilmour, Diane Gissel & Diana Hallmark, Transportation & Development
From: Steve Wheeler, Clackamas County Administrator
RE: Dog Services code changes acceptance for service delivery

As you may remember, the Board of County Commissioners recently adopted changes to the County's Animal Code; those changes are becoming effective and it is now necessary for those cities wishing the County to continue providing dog field services within their city limits to consent to the new Code so the County continues to be authorized to provide services. Be assured that we are continuing to provide services to ensure a smooth transition. However, if cities do not consent to the County's Animal Code, the Code cannot be applied within the city and the County will no longer have jurisdiction to operate dog field services inside the city limits. *This issue relates only to field services and does not impact shelter services.* If your city wishes to ensure field service continuation, we are requesting the following.

1. Since the new Code language is effective October 1, we ask that you, at your earliest convenience, respond to this memo with an email indicating that your city consents to the new Code and will pursue a resolution of your City Council consenting to the County's Animal Code; and
2. Send your city's signed resolution to Clackamas County Dog Services, once adopted, for our records. We have attached a sample resolution to simplify this process. Resolutions may be submitted via email or postal mail. The addresses for submitting resolutions are:

Department of Transportation & Development
Attn: Diane Gissel, Administration
150 Beaver Creek Road
Oregon City 97045
dianeg@co.clackamas.or.us

Those cities in Clackamas County that have their own dog control regulations or that have not consented to County Code in relation to dog services in the past – City of Lake Oswego, City of West Linn, City of Happy Valley, City of Damascus, and City of Tualatin – do not need to respond unless there is a desire to allow the County to provide services within their city limits. However, all cities that desire continued service should consent to the code in order to ensure the County retains jurisdictions and is able to continue to provide field services (dog control) in their city limits.

The Code changes are primarily housekeeping changes in nature and are not material to how the County responds to enforcement actions requested by cities or residents. City consent to the County's Code is also a housekeeping measure, but an important one to ensure that jurisdictions and authorities are properly recorded in the unlikely event of a complaint. An overview of the County-adopted Code changes is included at the end of this memo.

As you may also recall from a City/County Managers Meeting last July, dog control services are highly subsidized from the County's General Fund and are therefore provided as funds are available. In truth, the County can only afford three field officers to cover the County's entire

1893 square miles. Though service levels are lower than we prefer and are threatened (as are many services) by anticipated further budget reductions, we do strive to be very responsive. Required services of the County include issuing tags to inoculated dogs; impounding dogs known not to have received rabies vaccinations; impounding and microchipping dogs known to have bitten, killed or maimed livestock; and securing the availability of a facility for impounding dogs.

The County is giving serious thought to options to reduce reliance on the General Fund through either fundraising (which of course initially requires more funding) or offering enhanced services on a fee-for-service basis. If your city is interested in pursuing options further in partnership with the County, we would welcome that interest.

Thank you in advance to your prompt attention to this request for an email confirming Code acceptance and a resolution of your City Council. If you do not wish to receive dog services from the County, you need not respond. We are hoping to have all email confirmations by Friday, October 7, 2010 and all resolutions in by Friday, October 29, 2010.

Attachment appended



Dog Services

13141 SE Hwy 212, Clackamas, OR 97015

Title 5, Animals Code – Proposed Amendments

- ✓ Remove Continuous Annoyance
- ✓ Returns Canines involved with Livestock to Code
- ✓ Alter Multiple Dog Licensing – remove Commercial and develop a single Multiple Dog License program that requires inspections
- ✓ Returns keeping a dog in a manner that does not meet minimum care requirements as a violation of code
- ✓ Add violation of failing to maintain current rabies vaccination
- ✓ Add violation of failure to report a dog bite
- ✓ Add violation of failure to follow condition of release.
- ✓ Add provision to permit dogs to be conditionally released to their owners on certain conditions
- ✓ Clarify reclaim time lines for owners
- ✓ Alter stray holding periods to conform with State Statute
- ✓ Minor housekeeping:
 - Provision of false information to a Dog Services Employee
 - Remove numbers limit exemptions (except: litters of puppies under 6 months and continuously licensed since July 2004)

The full text of the Dog Licensing & Services Code can be accessed online at
[County Code Section 5.01](#)

GENERAL PROVISIONS

203.010 General powers of county as body politic and corporate. Each county is a body politic and corporate for the following purposes:

- (1) To sue and be sued;
- (2) To purchase and hold for the use of the county lands lying within its own limits and any personal estate;
- (3) To make all necessary contracts; and
- (4) To do all other necessary acts in relation to the property and concerns of the county.

203.015 Power of county to contract for purchase or lease of real or personal property. (1) A county may enter into a contract for the purchase or for the lease with option to purchase of real or personal property when:

(a) The period of time allowed for payment under the contract does not exceed 30 years; and

(b) The county is not obligated to make payments under the contract in any fiscal year unless the county governing body includes such payments in the county's budget for that fiscal year and makes an appropriation therefor.

(2) The powers granted to counties by this section are in addition to any other powers possessed by counties in this state, and this section may not be construed to limit such powers. [2003 c.794 §184]

Note: 203.015 was added to and made a part of ORS chapter 203 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

203.020 [Repealed by 1979 c.492 §1]

203.030 Definition for ORS 203.030 to 203.075. As used in ORS 203.030 to 203.075, "governing body" means the representative body vested with legislative power by statute or charter. [1973 c.282 §1]

203.035 Power of county governing body or electors over matters of county concern. (1) Subject to subsection (3) of this section, the governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state, as fully as if each particular power comprised in that general authority were specifically listed in ORS 203.030 to 203.075.

(2) The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all

powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state.

(3) An ordinance adopted by a county governing body that changes the number or mode of selection of elective county officers shall not take effect unless the ordinance is submitted to and approved by the electors of the county at a primary election, general election or election held on the first Tuesday after the first Monday in November of an odd-numbered year. However, an ordinance adopted under this section may not change the mode of selection of a county assessor.

(4) Nothing in this section shall be construed to limit the rights of the electors of a county to propose county ordinances through exercise of the initiative power. [1973 c.282 §2; 1981 c.140 §1; 1985 c.756 §1; 1995 c.712 §87; 2007 c.155 §12]

203.040 Applicability of ordinances inside city. Except by consent of the governing body or the electors of a city and except in cities not regularly operating as such through elected governmental officials, ordinances adopted under ORS 203.030 to 203.075 in exercise of the police power shall not apply inside an incorporated city. [1973 c.282 §4; 1977 c.766 §14]

203.045 Procedure for adopting ordinance; exception by charter or certain statutes. (1) This section does not apply to a county that prescribes by charter the manner of adopting ordinances for the county or to an ordinance authorized by a statute other than ORS 203.035.

(2) The ordaining clause of an ordinance adopted under ORS 203.035 shall read:

(a) In case of adoption by the county governing body only, "The (name of the governing body) ordains as follows:"

(b) In case of adoption or ratification by the electors of the county, "The People of (name of county) ordain as follows:"

(3) Except as subsections (4) and (5) of this section provide to the contrary, every ordinance of a county governing body shall, before being put upon its final adoption, be read fully and distinctly in open meeting of that body on two days at least 13 days apart.

(4) Except as subsection (5) of this section provides to the contrary, and except ordinances imposing, or providing exemptions from, taxation, an ordinance necessary to meet an emergency may, upon being read first in full and then by title, be adopted at a single meeting of the governing body by unanimous vote of all its members present, provided they constitute a quorum.

(5) Any reading required by subsection (3) or (4) of this section may be by title only: