

FILED  
YAMHILL COUNTY, OREGON

MAY 17 3 05 PM '78

WANDA CATT  
COUNTY CLERK  
*[Signature]* DEPUTY

1 IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON  
2 FOR THE COUNTY OF YAMHILL

3 (Sitting for the Transaction of County Business)

4 An Amendment to the Yamhill County )  
Dog Control Ordinance, Affecting )  
5 the Form and Use of the Uniform ) ORDINANCE NO. 168  
6 Dog Control Citation. ) Amending Ordinance No. 150

7 The Yamhill County Board of Commissioners hereby ordains that  
8 the Dog Control Ordinance No. 150 be amended as follows:

9 1. Sections 13.5, 13.6, 13.7, 13.8, 13.9, 13.10 and 13.11 be  
10 and are hereby repealed and the following sections are enacted in  
11 their place:

12 13.5 CERTIFICATION OF UNIFORM DOG CONTROL CITATION. The  
13 Citation shall contain a form of certificate by the complainant to  
14 the effect that he certifies that he has reasonable grounds to  
15 believe, and does believe, that the person cited committed the  
16 offense contrary to law. The certification, if made by a Dog  
17 Control Officer or Police Officer, need not be made before a  
18 magistrate or any other person. A private person shall certify  
19 before a magistrate, clerk or deputy clerk of the Court, and this  
20 action will be entered in the Court Record. A certificate con-  
21 forming to this Section shall be deemed equivalent to a sworn  
22 Complaint.

23 13.6 SERVICE OF CITATION. A dog Control Officer or Police  
24 Officer issuing the Citation shall cause the Summons to be delivered  
25 to the person cited and shall cause the Complaint to be delivered  
26 to the Court. When the Complaint is certified by a private person,

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Yamhill County Legal Counsel  
Room 103 Yamhill County Courthouse  
McMinnville, Oregon 97128  
Phone: 472-9371 (Ext 286)

1 the Court shall cause the Summons to be delivered to the Defendant.

2 13.7 APPEARANCE BY DEFENDANT.

3 (a) The Defendant shall appear in Court at the time mentioned  
4 in the Summons if the Citation is for:

- 5 1. Owning a vicious or dangerous dog.
- 6 2. Owning a dog not vaccinated for rabies.

7 (b) In other cases, the Defendant shall either appear in  
8 Court at the time indicated in the Summons, or prior to such  
9 time shall deliver to the Court the Summons, together with a  
10 check or money order in the amount of the bail set forth in  
11 the Summons, and enclosing therewith:

- 12 1. A request for a hearing; or
- 13 2. A statement of explanation or mitigation of the  
14 offense charged; or
- 15 3. The executed appearance, waiver of hearing and plea  
16 of guilty appearing on the Summons. A statement in  
17 explanation or mitigation also may be enclosed with  
18 the guilty plea.

19 (c) If a Defendant submits to the Court a written statement  
20 as provided in §13.6(b)(2), it operates as a waiver of  
21 hearing and consent to judgment by the Court, declaring a  
22 forfeiture of bail on the basis of such statement and any  
23 testimony or written statement of the arresting officer or  
24 other witnesses which may be presented to the Court. A  
25 judgment by the Court declaring a forfeiture of bail, pursuant  
26 to this Section, shall be deemed a conviction of the offense  
charged in the Citation.

13.8 FAILURE OF DEFENDANT TO APPEAR.

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1 (a) If the Defendant fails to comply with §13.7, or fails to  
2 appear at any time fixed by the Court, a warrant for his  
3 arrest may be issued.

4 (b) If the Defendant fails to appear at any time fixed by  
5 the Court and has posted bail, the Court may order a for-  
6 feiture of that bail. No warrant of arrest may be issued  
7 pursuant to §13.8(a) after a period of 60 days from the date  
8 of the entry of an order declaring a forfeiture of bail or  
9 other security given by the arrested person. Unless a  
10 warrant has been issued before the expiration of that period,  
11 the order of forfeiture shall be deemed the final disposition  
12 of the case, and shall be deemed a conviction of the offense  
13 charged in the Citation.

14 2. Section 13.12 of Ordinance No. 150 be and hereby is re-  
15 numbered as Section 13.9.

16 3. Section 13.13 of Ordinance No. 150 be and hereby is re-  
17 numbered as Section 13.10.

18 4. Except as especially repealed and amended herein,  
19 Ordinance #150 shall remain in full force and effect.

20 5. Effective Date. This Amendment to the Dog Control  
21 Ordinance No. 150, being necessary for the health, safety and  
22 welfare of the people of Yamhill County, and the Board of Com-  
23 missioners having declared an emergency to exist, it shall be  
24 effective upon approval hereof.

25 This Ordinance was enacted after public hearings on the 12th  
26 and 26th day of April, 1978.

1 Dated this 26th day of April, 1978.

2 ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

3  
4 WANDA CATT  
County Clerk

*John P. Macaulay*  
Chairman John P. Macaulay

5 *Patricia A. Mullen*  
6 Patricia A. Mullen  
7 Deputy

*Colin Armstrong*  
Commissioner Colin Armstrong

8 By: *Daryl S. Garrettson*  
9 Daryl S. Garrettson,  
Assistant County Counsel

*Ted Lopuszynski*  
Commissioner Ted Lopuszynski

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