

FILED

JAN 26 1978

1 IN THE COUNTY COURT OF THE STATE OF OREGON

2 IN AND FOR THE COUNTY OF WASCO

Sue A. Proffitt
By _____

COUNTY
CLERK
Deputy

3 IN THE MATTER OF An]
Ordinance Providing a Uniform]
4 Complaint and Citation Method]
For Enforcement of Animal]
5 Control Violations in Wasco]
County.]

ORDINANCE

6 THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES ORDAIN

7 AS FOLLOWS:

8 Section 1. Purpose

9 The purpose of this Ordinance is to provide a uniform
10 complaint and citation for violation of Animal Control Laws in
11 order to facilitate enforcement of violations occurring within
12 Wasco County.

13 Section 2. Authority

14 This Ordinance is enacted pursuant to the authority
15 granted to general law counties by ORS 203.035 to 203.065.

16 Section 3. Requirements of Citation; Form and Content

17 (a) A Citation conforming to the requirements of this
18 Ordinance may be used for all violations of Animal
19 Control Laws committed in the presence of the
complainant and which occur in Wasco County, Oregon.

20 (b) The Citation shall consist of at least three parts.
21 Additional parts may be inserted for administrative
use. The required parts are:

- 22 (1) Complaint;
- 23 (2) Officer's Copy;
- (3) Summons.

24 (c) Each of the parts shall contain the following
25 information or blanks in which such information
shall be entered:

- 1 (1) Name of the court and the court's docket or
file number;
- 2 (2) Name of the person cited;
- 3 (3) Brief description of the violation of which
4 the person is charged in such manner as can be
5 readily understood by a person making a
6 reasonable effort to do so, the date and place
7 at which the violation occurred, the date on
8 which the citation was issued, and the name of
9 the complainant;
- 10 (4) The time and place where the person cited is to
11 appear in court;
- 12 (5) The bail, if any, fixed for the violation;
- 13 (6) The designation of the method of service and
14 certification that such service has been made;
15 (a) When such service is by certified mail,
16 return receipt requested as described
17 at Section 5(2)(3) of this ordinance,
18 such shall be stated on the complaint and
19 the required certification of service may
20 be made upon receipt of the "return
21 receipt" and after the filing of the
22 complaint.

23 (d) The complaint shall contain a form of certificate
24 by the complainant to the effect that he certifies
25 that he has reasonable grounds to believe, and
26 does believe, that the person cited committed the
violation contrary to the Animal Control Law. The
certification if made by a law enforcement officer,
need not be made before a magistrate or any other
person. A private person shall certify before a
District Court Judge, Clerk or Deputy Clerk of the
District Court of Wasco County, and this action will
be entered in the court record. The reverse side of
the complaint shall contain the Court record and
contain the substance of the matter appearing on the
reverse side of all uniform complaints used in the
District Court of Oregon in Wasco County or otherwise
directed by the District Court. A certificate con-
forming to this section shall be deemed equivalent
to a sworn statement.

27 (e) In addition, the summons shall contain a notice to the
28 person that the complaint will be filed with the
29 District Court of the State of Oregon in and for the
30 County of Wasco. The reverse side of the summons
31 shall contain the following in a form substantially
32 as follows:

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READ CAREFULLY

You have been charged with a violation of Animal Control Law. You MUST do ONE of the following:

1. Appear in Court at the time mentioned in this summons and request a hearing. The Court will then set a time for a hearing; or,
2. Mail to the Court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the Court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your explanation with the summons and bail. The Court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the complainant tells the Court; or,
3. Sign the plea of guilty below and send this summons to the Court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY AND WAIVER

I, the undersigned, do hereby enter my appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court. I do hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the Court, and agree to pay the penalty prescribed for my violation.

(Defendant's Name)

(Defendant's Address)

MAIL YOUR REMITTANCE TO:

1 NOTICE

2 IF YOU FAIL TO COMPLY WITH THESE
3 INSTRUCTIONS, THE COURT IS AUTHORIZED TO
4 ISSUE A WARRANT FOR YOUR ARREST.

5 IF YOU FAIL TO DO ONE OF THE THREE
6 FOREGOING PROCEDURES OR FAIL TO APPEAR FOR
7 TRIAL AT THE TIME SET BY THE COURT YOU MAY BE
8 CHARGED WITH THE ADDITIONAL AND SEPARATE
9 VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

10 THE COURT MAY IN ANY CASE, AFTER NOTICE,
11 REQUIRE YOU TO APPEAR FOR A HEARING.
12

13 (f) Any error in transcribing information into the blanks
14 provided in the citation form when determined by the
15 Court to be non-prejudicial to the Defendant's
16 defense, may be corrected at the time of trial or
17 prior to time of trial with notice being given to the
18 Defendant.

19 (g) Except as provided in Section 3(f) above, the complaint
20 shall be set aside by the Court only upon the motion
21 of the Defendant before plea, if it does not conform
22 to the requirements of this section.

23 Section 4. Commencement of Action for Animal Control
24 Violations

- 25 (a) The Animal Control officers or any peace officer may
26 issue a citation for violation of the Animal Control
Laws committed in his presence and when committed at
any location within Wasco County, Oregon.
- (b) A private person may only commence an action for an
ordinance violation as provided in Section 3(d) of
this Ordinance and under the same conditions as provided
in subsection (a) of this section. The commencement of
all actions by private persons for violations committed
in their presence shall be upon the citation form and
shall be at the discretion and in the judgment of the
office of the District Attorney, and conform to the
procedures for certification and service as required
at Section 3 and Section 5 of this Ordinance
respectively.

1 Section 5. Service of Citation

2 (a) If a citation is commenced as described in
3 Section 4(a) or 4(b), the Animal Control Officer
4 or any peace officer, shall serve or cause to be
5 served, the summons portion of such citation in
6 one of the following manners:

- 7 (1) To personally serve the summons portion of the
8 citation on the Defendant. If the Defendant
9 cannot be found personally at his usual abode,
10 then service may be made to a member of his
11 family over 14 years of age who resides at
12 that abode.
- 13 (2) If the Defendant is unknown or unavailable for
14 personal service by the citing officer, then
15 the summons portion of the citation, prepared
16 by the citing officer may be personally served
17 upon the Defendant by any peace officer
18 authorized to serve such citations.
- 19 (3) If, after reasonable and due diligence, the
20 Defendant cannot be served in the manner
21 prescribed in subsections (1) and (2) herein-
22 above, service of the summons portion of said
23 citation may be made by registered mail, return
24 receipt requested, mailed to such person at his
25 last known address with postage prepaid thereon.
26 For the purposes of this Ordinance, service by
 mail shall be deemed perfected upon filing with
 the Court the return receipt endorsed by said
 Defendant. As soon as reasonably possible,
 provided, however, in no event later than the
 appearance date, the complainant shall file the
 complaint portion of the citation with the Clerk
 of the District Court. When service is not made
 at the time of commencement of the complaint,
 proof of service shall be filed immediately
 after service has been made.

21 Section 6. Minimum Requirements for Summons

22 (a) A summons for an animal control violation is sufficient
23 if it contains the following:

- 24 (1) The name of the court, name of the person cited,
25 date on which the citation was issued, name of
26 the complainant and the time and place at which
 the person cited is to appear in Court.

1 (2) A brief description or designation of the offense
2 in such a manner that can be readily understood
3 by a person making a reasonable effort to do so
4 and the date and place in which the violation is
5 alleged to have occurred.

6 (3) A copy of the complaint as set forth in Section 3.

7 Section 7. Appearance by Defendant

8 (a) The Defendant shall either appear in Court at the time
9 indicated in the summons, or prior to such time shall
10 deliver to the Court the summons, together with check
11 or money order in the amount of the bail set forth on
12 the summons, together with:

13 (1) A request for a hearing; or

14 (2) A statement of matters and explanation of
15 mitigation of the offense charged; or

16 (3) The executed appearance, waiver of hearing and
17 plea of guilty appearing on the summons.

18 Section 8. Effect of Statement and Explanation in Mitigation

19 If a Defendant has submitted to the Court a written state-
20 ment as provided in Section 7(a) (2) it constitutes a waiver of hearing
21 and consent to judgment by the court declaring a forfeiture of all
22 or any part of the bail as determined by the Court on the basis of
23 such statement or complainant or other witness which may be
24 presented to the Court.

25 Section 9. Fixing Hearing Dates; Notice to Defendants;
26 Failure to Appear; the Separate Offense of
Failing to Appear in Court Pursuant to
Citation, Summons, Court Order or at the
Time Set for Trial of Case.

(a) If the Defendant requests a hearing, or pursuant to
Section 9(a), the Court directs that a hearing be
held, the Court shall fix a date and time for hearing
and, unless notice is waived, shall at least five
days in advance of the hearing, mail to Defendant a
notice of the date and time so fixed. The notice
shall set forth a warning that for failure to appear

1 for the hearing, the Defendant may be charged with a
2 separate and additional offense of failure to appear
3 in Court pursuant to Court order, citation or summons,
4 or at time set for trial of the case.

5 (b) Notice to the Defendant required pursuant to Section
6 9(a) shall be made in the form of a Court "Notice to
7 Appear" and be placed in the United States mail
8 addressed to the Defendant in his last known address
9 with postage prepaid thereon.

10 (c) Failure of the Defendant to make appearance as set
11 forth in subsection (a) of this section, will constitute
12 a failure to appear for hearing. If the Defendant
13 fails to appear when notified by the Court to appear
14 pursuant to subsection (b) of this section, he may be
15 charged with a separate and additional offense of
16 failing to appear in Court pursuant to a Court order,
17 or a citation or summons or at time set for trial of
18 the case. Upon a finding by the Court that Defendant
19 did not make appearance as required pursuant to this
20 Ordinance without due and good cause, the Defendant
21 shall be guilty of failure to appear.

22 Section 10. Hearing Discretionary with Court; Exception

23 (a) For any Animal Control violation for which citation has
24 been issued, the Court may direct that a hearing be
25 held. Otherwise, the Court may enter the appropriate
26 judgment, impose a fine, direct that the fine be paid
out of the bail deposited by the Defendant and return
any amount by which the bail exceeds the fine.

(b) No fine may be imposed in excess of the amount of bail
deposited by Defendant unless a hearing is held.

Section 11. Warrant for Arrest

(a) If a person cited fails to comply with the provisions
of Section 6, or if he fails to appear at any time fixed
by the Court, a warrant for his arrest may be issued by
a judge of the Wasco County District Court pursuant to
ORS 133.060.

(b) No warrant of arrest may be issued pursuant to this
section after a period of sixty days from the date of
entry of an order declaring a forfeiture of bail or
other security given by the arrested person, unless a
warrant has been issued before the expiration of that
period, the order of forfeiture shall be deemed the
final disposition of the case.

1 Section 12. Penalty for Failure to Appear

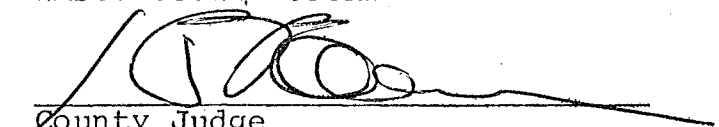
2 Upon conviction of any person under Section 9(c) of
3 failure to appear without due and good cause, he shall be punished
4 by a fine in addition to the fine and the court costs of the
5 violation for which he failed to appear and such additional fine
6 shall not be more than \$250.00.

7 Section 13. Emergency Declared

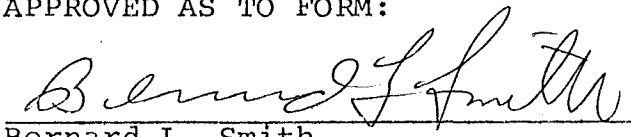
8 This Ordinance being immediately necessary to aid enforce-
9 ment of the County's Animal Control Laws, an emergency is declared to
10 exist and this Ordinance shall take effect immediately upon passage:

11 Regularly passed and adopted by a unanimous vote of all
12 members of the County Court of the County of Wasco, State of Oregon
13 this 25th day of January, 1978.

14 WASCO COUNTY COURT

15 
16 County Judge

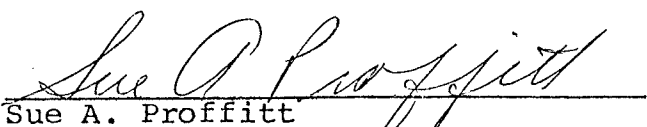
17 APPROVED AS TO FORM:

18 
19 Bernard L. Smith
20 Wasco County District Attorney


County Commissioner


County Commissioner

21 ATTEST:

22 
23 Sue A. Proffitt
24 Wasco County Clerk

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