

## Title 6 ANIMALS

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6.04.010 Purpose.

In order to protect the health, safety and welfare of the residents and citizens of the county and to provide for control of dogs and protection of dogs and animals therein, the board of county commissioners of the county does enact the following provisions which may be referred to and pleaded as the "dog control ordinance." (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 2, 1985)

6.04.020 Definitions.

As used in this chapter, unless the context requires otherwise:

A. "Animal" means any mammal, bird, reptile or amphibian.

B. "Bail" means money or its equivalent deposited by a defendant to secure his appearance in court for a dog control ordinance offense.

C. "Dangerous dog" means any dog that has, due to the lack of the exercise of proper and adequate supervision and control by its owner or keeper, done an act harmful in its character, to human beings or animals, regardless of whether done in a playful or hostile manner.

D. "Dog" means any domestic mammal of the canine family.

E. "Dog control officer" means any individual employed by the county to act and perform the duties set forth in this chapter.

F. "Dog license" means that license required to be issued annually for each individual dog pursuant to the provisions of this chapter.

G. "Dog running at large" means a dog off or outside the premises of its keeper, not restrained by a rope, line, leash, chain, or other similar means, or not under the immediate control, restraint, or command of a keeper thereof. If a dog is not restrained

by a tether of some kind, is not at heel or not a working dog in the field, that dog shall be deemed "at large."

H. "Keeper" means any person who keeps, has custody of, is responsible for the control or care of, possesses, harbors or controls a dog or other animal or permits a dog or other animal to reside on property owned by the person, without regard as to whether the person has an ownership interest in the dog or other animal. Veterinary hospitals, kennels and pet shops shall not be deemed the keeper of an animal for purposes of this chapter unless expressly provided for herein. In a family situation, the adult heads of the household are presumed to be the keepers, jointly and severally, of the dog.

I. "Kennel" means the operation of any business or the participation in any activity in which five or more dogs with permanent canine teeth or which are more than six months of age are kept on the premises.

J. "Licensee" means the person in whose name a dog license is issued.

K. "Livestock" means cattle, horses, sheep, goats, swine, turkeys, chickens, ducks, geese, and rabbits, but excluding any fur-bearing animals, bred and maintained, commercially or otherwise.

L. "Owner" means any person who has a property interest in the animal sufficient to give the person the ultimate right to make decisions regarding the care and disposition of the animal.

M. "Person" means an individual, a partnership, company, association, corporation, or any other legal entity.

N. "Pet shop" means any person regularly engaged in the business of breeding, buying, selling, trading or otherwise offering the public animals of any species.

O. "Small animal shelter" means the facility by that name, built and maintained by the county.

P. "Vaccinated for rabies" means currently vaccinated according to the provisions of Oregon Administrative Rules, Chapter 333, Division 19, pertaining to rabies, and evidenced by rabies vaccination certificate issued by a veterinarian.

Q. "Veterinarian" means a participating veterinarian licensed pursuant to the laws of the state of Oregon to perform any of the acts set forth in ORS 686.030.

R. "Veterinary hospital" means any business establishment maintained and operated by a veterinarian which is operated for the diagnosis and treatment of diseases or injuries of animals. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 3, 1985)

#### 6.04.030 Dog control officers--Powers and duties.

The powers and duties of the dog control officers are as follows:

A. To have police power in the enforcement of all provisions of this chapter relating to the licensing and impounding of dogs;

B. To maintain and keep a small animal shelter or other place where all dogs and small animals subject to impoundment may be kept and held safely and provided with proper and sufficient food, water and shelter;

- C. To impound and keep safely, any dog which is found doing any of the acts set forth in Sections 6.04.040 through 6.04.210 of this chapter, apparently abandoned or as required by the department of health of the county;
- D. To issue and prosecute citation for violation of this chapter, appear as witnesses and to perform all other acts necessary for the enforcement of this chapter;
- E. To issue notices of civil infractions for violations that are designated as civil infractions under the administrative enforcement ordinance;
- F. To receive and collect any costs and charges hereinafter provided by this chapter;
- G. To investigate reports of biting dogs as herein set forth by this chapter;
- H. To investigate livestock claims made pursuant to Sections 6.04.510 through 6.04.550 of this chapter;
- I. To post signs and notices stating that a dog control ordinance is in effect in the county, and advising the public as to provisions of the ordinance;
- J. As funds in the dog fund permit, to conduct educational and other programs to inform and advise the public and animal keepers and owners of the dog control ordinance, licensing and other provisions thereof, and proper care of dogs and other domestic animals. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 4, 1985)

#### 6.04.040 Interfering with officers prohibited.

It is unlawful for any person to interfere with, hinder, molest or verbally abuse a dog control officer while in the exercise of his or her duties. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(1), 1985)

#### 6.04.050 Failing to prevent running at large prohibited.

It is a civil infraction for any person to be the keeper of a dog running at large. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(2), 1985)

#### 6.04.060 Keeping dangerous dog prohibited.

It is a civil infraction for any person to be the keeper of a dangerous dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(3), 1985)

#### 6.04.080 Failure to prevent acts of nuisance prohibited.

It is a civil infraction for any person to be the keeper of a dog which the person fails to prevent from being a public nuisance by:

- A. Molesting passersby;
- B. Biting a person or animal;
- C. Chasing or attacking persons;
- D. Attacking other animals;
- E. Traveling upon school grounds, public parks, public game refuges and public watershed areas, except under the supervision and control of a person and with the property owner or manager's written permission;

- F. Damaging or destroying property of persons other than the owner or keeper of the dog;
- G. Scattering garbage;
- H. Chasing vehicles;
- I. Disturbing the peace, comfort, health or repose of any person of reasonable sensitivity by making loud, long, unnecessary and continuous noises;
- J. Being a female dog in season (estrus) and being accessible to a male dog not in the person's ownership except when access to the female dog is intended by the keepers or owners of both dogs for breeding purposes. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(5), 1985)

#### 6.04.090 Exceptions to acts of nuisance.

A dog shall not be considered a public nuisance under Section 6.04.080 and it shall be an affirmative defense to a civil infraction if it bites a person wrongfully assaulting the dog or the dog's owner or keeper or if it bites a person trespassing upon premises occupied by the dog's keeper after being provoked by that person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(6), 1985)

#### 6.04.100 Allowing dog with contagious disease to run at large prohibited.

It is a civil infraction for any person to be the keeper or owner of a dog affected with a contagious disease which runs at large or is exposed in any public place whereby the health of man or beast may be affected. Such dog may be removed from the premises of the owner or keeper or other person by a veterinarian, dog control officer or police officer or by any person supervised by the department of health of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(7), 1985)

#### 6.04.110 Ownership of dog not vaccinated prohibited.

It is unlawful to be the owner or keeper of a dog not vaccinated for rabies, which has been alleged to have bitten a person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(8), 1985)

#### 6.04.120 Failure to quarantine prohibited.

It is unlawful for any person to fail to safely quarantine any dog alleged to have bitten a person by:

- A. Securing said dog on the owner or keeper's premises with the approval and under the supervision of the county health department or county dog control division, and not allowing said dog to be at large or to come in contact with any other person or animals;
- or
- B. Placing said dog in a veterinary hospital; or
- C. Impounding said dog at the small animal shelter; or
- D. Refusing to allow a dog control officer to impound said dog when said officer has probable cause to believe that such person has failed to comply with the quarantine

requirements of subsections A, B or C of this section. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(9), 1985)

#### 6.04.130 Removal from county prohibited--When.

It is unlawful for any person to knowingly remove or cause the removal from the county of a dog for which the owner or keeper has been cited or issued a notice of civil infraction under Section 6.04.060 of this chapter, or for which the owner or keeper has received a written warning of such offense from the dog control division. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(10), 1985)

#### 6.04.140 Failure to procure license prohibited--When.

It is unlawful for any person to be the keeper of any dog for which a dog license has not been obtained if such license is required under Sections 6.04.220 through 6.04.310 of this chapter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(11), 1985)

#### 6.04.150 Failure to display license prohibited.

It is unlawful for any person to be the keeper of any dog for which he has failed to display a dog license upon such dog when it is off the licensee's premises, if such license is required under this chapter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(12), 1985)

#### 6.04.155 Nonownership not a defense.

Lack of ownership interest in the dog shall not be a defense to a citation or any other legal proceeding arising from failure to procure or display a license. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991)

#### 6.04.160 Cruelty prohibited.

It is unlawful for any person to knowingly or negligently commit acts of cruelty to animals. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(part), 1985)

#### 6.04.170 Cruelty--Generally.

General acts of cruelty include but are not limited to the following:

- A. To subject any animal under a person's ownership, custody or control to cruel mistreatment; or
- B. To subject any animal under a person's ownership, custody or control to cruel neglect; or
- C. To kill without legal privilege any animal under the ownership, custody or control of another person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(a), 1985)

#### 6.04.180 Cruelty--Specific acts.

Specific acts of cruelty to animals include but are not limited to the following:

A. For any person to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill, or cause or procure any such cruel treatment of any animal while having the charge of or custody of any such animal as owner, or otherwise; or

B. For any owner or keeper of any animal, to cruelly drive or work the animal when unfit for labor, or to cruelly abandon any animal, or to carry or cause any animal to be carried in or upon any vehicle or otherwise, in a cruel, inhumane manner, or knowingly or willfully authorize or permit the animal to be subjected to torture, suffering, or cruelty of any kind; or

C. For any person owning, having charge or custody of any animal, except in the case of an emergency to deprive any such animal of necessary and adequate food for more than thirty-six hours or drink for more than twelve hours;

D. For any person owning, having charge or custody of any animal, except in the case of an emergency to deprive any such animal of necessary, adequate and humane shelter from the elements;

E. For any person to confine an animal within or on a motor vehicle at any location under conditions that endanger the health or well-being of the animal, including but not limited to: dangerous temperature; lack of food, or attention for more than thirty-six hours, or water for more than twelve hours; or confinement with a dangerous animal.

(Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(13)(b)(1)--(5), 1985)

#### 6.04.190 Cruelty--Authorized entry and impoundment.

If there is probable cause to believe that subsections C or D of Section 6.04.180 are being violated, after obtaining a search warrant in the manner authorized by law, an animal control officer, peace officer, or any combination, may enter the premises where the animal is being held, provide food and water and impound such animal. If after reasonable search the owner or keeper of such animal cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises and within seventy-two hours after the impoundment such notice shall be sent by certified mail to the address, if any, at which the animal was impounded. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(13)(b)(6), 1985)

#### 6.04.200 Cruelty--Authorized removal from vehicle.

Any animal control or peace officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of subsection E of Section 6.04.180 and that harm to the confined animal has occurred or is in imminent danger of occurrence. Any animal so removed shall be delivered to the animal control shelter after the removing officer leaves written notice of the removal and delivery. Such notice shall include the officer's name, the address and phone number of

the shelter, and shall be placed in a conspicuous, secure location on or within the vehicle. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13) (b)(7), 1985)

6.04.210 Cruelty--Officer exemption from liability when acting to abate.

No animal control or peace officer shall be held criminally or civilly liable for action under Sections 6.04.040 through 6.04.200, provided the officer acts in good faith on probable cause and without malice. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 5(A)(13)(b)(8), 1985)

6.04.220 License--Required.

A. Every dog shall be licensed within thirty days after the date the dog reaches six months or has permanent canine teeth, whichever comes first. Any such dog shall be licensed within thirty days of being brought into Washington County.

B. Every keeper of a dog shall ensure that the dog is properly licensed and shall obtain a license for any unlicensed dog required to be licensed pursuant to subsection A. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(A), 1985)

6.04.230 License--Effective date.

A dog license shall be effective for one year from the date of issuance. The dog control division shall keep a numbered record of such licenses including information as to sex and breed of the dog, name and address of the licensee. The division may provide for annual license renewal in any manner that will promote administrative convenience and efficiency. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(B), 1985)

6.04.240 License--Fee.

A fee shall be charged for each dog license in the amount established pursuant to Section 6.04.450. This fee is due and payable on application for a dog license. If a dog keeper pays the license fee but fails to supply the required proof of rabies inoculation within thirty days of such payment, the amount paid shall be forfeited and retained by the division. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(C), 1985)

6.04.250 License--Guide dog fee exemption.

Notwithstanding any other provision of this chapter, any dog used as a guide dog by a blind or deaf person is exempt from a license fee while so used, but is not except from being licensed or from required rabies inoculation. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 6 (D), 1985)

6.04.260 License--Outside county residence exemption.

Sections 6.04.220 through 6.04.250 and 6.04.270 through 6.04.310 shall not apply to dog keepers residing outside the county, if dogs of such persons are kept within the county for thirty days or less, are duly licensed by the jurisdiction in which the person resides, and if such dogs are kept at all times under restraint. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(E), 1985)

6.04.270 License--Outside jurisdiction validity.

Licenses from other jurisdictions shall be valid in the county until they expire, provided any such license requires inoculation against rabies until that date. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 6(F), 1985)

6.04.280 License--Kennel or pet shop fee.

Any kennel or pet shop, or other such establishment which possesses, controls, owns, boards, keeps or has custody of dogs in the course of its business or other activities, which have permanent canine teeth or which are more than six months of age, shall pay an annual license fee in an amount established pursuant to Section 6.04.450. This fee shall be in lieu of the individual licensing and fee payment requirement for any dog kept by the establishment. Notwithstanding this provision, any eligible dog must be licensed pursuant to Sections 6.04.220--6.04.240 within thirty days of leaving the custody or possession of the establishment. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(G), 1985)

6.04.290 License--Vaccination required for issuance.

The owner or keeper of any dog with permanent canine teeth or which is more than six months of age kept in the county, including any dog owned by a kennel or pet shop, shall have that dog vaccinated for rabies. No license shall be issued for any dog, unless the applicant exhibits a certificate of such vaccination by a veterinarian. The certificate of inoculation must demonstrate that such vaccination is valid for immunity against rabies for not less than ten full months of the licensing period. However, if a veterinarian certifies to some physical condition of a dog which would prevent such inoculation for any period, no inoculation shall be required for the dog for that period, and a license may be issued for that dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(H), 1985)

6.04.300 License--Delinquency penalty.

Any keeper failing to procure or apply for a license as required by this chapter in any year shall pay a delinquent penalty for such failure in an amount established pursuant to Section 6.04.450 for each dog. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(I), 1985)

6.04.310 License--Tag.

Upon issuance of a dog license, the dog control division shall issue to the licensee a metallic or durable plastic license tag, prepared with one hole and stamped with an identifying number, the name Washington County, Oregon, and the effective date of the license. Such tag shall be securely fastened to the dog's collar or harness and shall be worn at all times when the dog is not on the premises of the licensee. If a license tag is lost, a licensee may secure a duplicate license tag, or in the case of a kennel or pet shops, a license certificate from the dog control division upon satisfactory proof of loss and payment of a fee in an amount established pursuant to Section 6.04.450. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 6(J), 1985)

#### 6.04.320 Impoundment--Authority.

Whenever any dog is found performing any of the activities enumerated in Sections 6.04.040 through 6.04.210 of this chapter, or has bitten any person or animal, a dog control officer, any peace officer, or any other person may impound it by immediately delivering such dog to the small animal shelter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(A), 1985)

#### 6.04.330 Impoundment--Destruction.

Any impounded dog, which by reason of injury, disease or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed forthwith. The dog control division may request a veterinarian to certify to this fact in writing before such immediate destruction is undertaken. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(B), 1985)

#### 6.04.340 Impoundment--Acceptance of dogs possessed by persons taken into custody.

The county dog control division, upon request of the county sheriff's office or the Oregon State Police, shall accept and take into custody and control at the small animal shelter any dog in the possession or under the control of any person taken into custody by such police agencies. The dog control division shall retain such dog for a period of five days, and unless during such period the person taken into custody has redeemed said dog or has made other arrangements for the care and custody of such dog, such dog shall be deemed abandoned, and such dog may at any time thereafter be disposed of as provided in Section 6.04.390. In the event the person, the licensee or the owner of record reclaims said dog or arranges for the same to be taken out of the custody of the dog control department of the county, said dog shall be released upon payment of the fee for redemption as provided in Sections 6.04.350 through 6.04.380. At the time the dog is delivered to the small animal shelter by the sheriff's department or state police, such police agency shall take from the county dog control division, a receipt therefor in duplicate, which receipt shall be in a form approved by the county counsel's office of the county, and shall have incorporated therein, notice to the licensee of such dog that such dog may be disposed of within five days unless the licensee or person taken into custody makes proper arrangements for its custody and care. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(C), 1985)

#### 6.04.350 Impoundment--Disposal generally.

The dog control division shall keep any dog impounded or delivered to the dog control division for disposal or as otherwise provided in this chapter, for the period of time hereinafter specified, and shall dispose of dogs in accordance with the provisions set out in Sections 6.04.360 through 6.04.380. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(D)(part), 1985)

#### 6.04.360 Impoundment--Unlicensed dog disposal.

Unless an unlicensed dog is redeemed, within three days after impoundment in a manner consistent with Section 6.04.390, the dog may be destroyed or sold in a manner consistent with Section 6.04.390. If such dog has been impounded because of the biting of a person, and does not have a vaccination which is valid for immunity against rabies at such time, such dog shall be kept in impoundment and quarantined for such period of time as necessary to observe said dog for the required ten-day quarantine period commencing after the biting of a person. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(1), 1985)

#### 6.04.370 Impoundment--Licensed dog disposal.

Unless a dog which evidences a valid license by this county or some other authorized governmental entity, is redeemed within seven days after notice of impoundment, is mailed, such dog may be destroyed or sold consistent with the manner prescribed by Section 6.04.390. Within five days after impoundment, notice of such impoundment shall be given by deposit in the United States mail of a certified and postage prepaid letter addressed to the person who purchased the license for the dog at his address shown on the license application. The notice shall advise the person that the dog has been impounded, the place where the dog is kept, and the procedure required for redemption. If a dog is sold under the provisions set out in Sections 6.04.320 through 6.04.430, to someone other than the prior licensee, a new license must be purchased. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(2), 1985)

#### 6.04.380 Impoundment--Unwanted dog disposal.

Any dog given to the dog control division by the owner, keeper or licensee thereof for disposal may be destroyed or sold in a manner consistent with Section 6.04.390, provided that a release by the owner, licensee or an authorized representative must be given in writing to the dog control division if a dog is to be destroyed within five days from such date, except as provided in Section 6.04.330. A person giving any dog to dog control for disposal pursuant to this section shall be charged a fee in an amount established pursuant to Section 6.04.450. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(D)(3), 1985)

6.04.390 Impoundment--Redemption requirements.

A. A dog may be transferred to a person other than the licensee or owner or sold only if the following qualifications are met:

1. That the dog is in good health and free from disease or in lieu thereof that the person purchasing or redeeming such dog make adequate and humane provisions for veterinary care of such dog;
2. That the dog is not dangerous;
3. That if the dog is sold, the purchaser pay prior to sale, the basic impoundment fee in an amount established pursuant to Section 6.04.450;

B. To redeem a dog the licensee or owner shall pay the impoundment and boarding charges and other fees, as applicable, prior to release of the dog; and shall supply proof of identity as the licensee or ownership. If the dog is unlicensed, the person redeeming the dog shall purchase a license and pay all applicable fees and penalties;

C. That the dog be immunized against rabies within thirty days after sale unless the dog lacks permanent canine teeth or is less than six months of age at the end of said thirty days, or there is proof that the dog has a rabies vaccination valid for the current licensing period;

D. That the dog be licensed at the time of sale unless the dog lacks permanent canine teeth or is less than six months of age. (Ord. 600 § 2 Exh. A (part), 2002: Ord 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(E), 1985)

6.04.400 Impoundment--Return of purchased dog.

Any dog sold by the dog control division may be returned within thirty days after purchase in exchange for another dog which qualifies for sale, or a voucher good for one year. Such exchange shall be free of any further impoundment fee. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(F), 1985)

6.04.410 Impoundment--Shelter hours.

The small animal shelter shall be open at reasonable times to the public, as the board of county commissioners may determine. Such times shall be posted at the small animal shelter. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 7(G), 1985)

6.04.420 Impoundment--Release charges.

Charges in an amount established pursuant to Section 6.04.450 shall be imposed for release of an impounded dog redeemed. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(H), 1985)

6.04.430 Impoundment--Release for purposes of vivisection or similar purposes prohibited.

The dog control division shall not sell or give away any live animal for surgical or medical demonstration or vivisection, nor permit the use of any impounded live animal in its custody for such purpose. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 7(I), 1985)

#### 6.04.435 Impoundment--Court order.

A. Whenever any dog is alleged to have bitten, attacked, damaged or harmed a person and a notice of civil infraction for keeping a dangerous dog has been issued under this chapter, the hearings officer may order the dog impounded pending trial, sentencing, or other disposition of such citation.

1. Upon motion and affidavit showing the facts constituting the violation and the circumstances of a potential danger to public safety, the hearings officer may make an order upon the person charged with the violation, to show cause why the dog should not be impounded pending disposition of the notice of civil infraction for the violation. The order shall state the time and place for hearing on the motion and shall be served in the same manner as a notice of civil infraction.

2. If, upon hearing, the hearings officer determines by a preponderance of evidence that unless impounded, the dog is a potential danger to public health, safety or welfare, the hearings officer may order the dog impounded at the county animal shelter or other secure facility satisfactory to the court, pending the disposition of the violation. The hearings officer may consider the nature of the conduct constituting the alleged violation, any prior convictions, notices of civil infractions and citations pertaining to the dog and the defendant's past and present ability to control the dog and prevent it from harming any person, and the available alternatives to protect the public from harm.

B. The hearings officer may order the defendant to deliver the dog to the animal shelter and to pay in advance the usual boarding fees charged by the animal shelter. Upon impoundment under this section, no dog shall be released or destroyed, except upon further order by the hearings officer. The defendant shall be responsible for all fees incurred due to impoundment under this section. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 317 § 2 (Exh. A), 1986)

#### 6.04.440 Disposition of moneys.

All sums representing license fees, delinquent license penalties, proceeds from the sale of dogs, impoundment charges and all other moneys and fees paid to the dog control division shall be turned over to the director of support services of the county as part of the dog fund of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 8, 1985)

#### 6.04.450 Fees--Authority.

The board of county commissioners shall prescribe by resolution and order and may from time to time amend the amount of each fee and charge imposed by this chapter. The amounts shall be established upon a finding of the board that they are reasonably necessary to help defray the costs of the services for which the fees and charges are imposed. Such resolution and order may also provide procedures for forfeiture or

refunds of fees and charges. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 15, 1985)

#### 6.04.460 Kennel or pet shop license--Revocation.

The board of county commissioners may, after a hearing and opportunity to be heard, revoke any kennel or pet shop dog license if the person holding such license refuses or fails to comply with this chapter, or any other state or local laws regarding the keeping of dogs. Any person whose license is revoked shall, within ten days, humanely dispose of all dogs owned by him. No part of the license fee shall be refunded in such case. It shall be a condition of the issuance of any dog license to any kennel or pet shop that dog control officers shall be permitted to inspect all dogs and the premises where such dogs are kept at any reasonable time and the board may, if permission for such inspection is refused, revoke the permit of the refusing owner. A copy of this section shall appear on the application for all licenses set forth in Section 6.04.240. Review of the board's actions shall be solely and exclusively by writ of review as provided in ORS 34.010 through 34.100. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 9, 1985)

#### 6.04.470 Biting dogs--Notice.

The owner or keeper of a dog which bites a human being shall notify the department of public health of the county immediately of such bite, giving the name and address of the person bitten, if known to him, and shall abide by the quarantine instructions given by the department of health of the county. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 10(A), 1985)

#### 6.04.480 Biting dogs--Notice by person bitten.

Any person who is bitten by a dog shall forthwith notify the department of health of the county of such bite, giving a description of the dog and the name and address of the owner, if known to him. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 10(B), 1985)

#### 6.04.490 Biting dogs--Notice by doctor, veterinarian or hospital.

When a doctor, veterinarian or hospital has information that a person has been bitten by a dog, such person or hospital shall forthwith notify the county department of public health. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 10(C), 1985)

#### 6.04.500 Quarantine.

All dogs alleged to have bitten a person shall be quarantined as herein provided for a period of ten days commencing from the day of the alleged bite.

A. If the owner of any dog alleged to have bitten a person can produce a valid veterinarian's rabies vaccination certificate providing immunity for the time said alleged bite occurred and such dog does not exhibit aberrant behavior, such dog may, under

the supervision and with the approval of the county dog control division or county health department be quarantined at the owner's residence. Such quarantine shall guarantee that such dog shall be securely confined and kept from contact with any other animal or human, except persons authorized by the county dog control division or county department of public health as they deem necessary for the protection of the public health, safety and welfare.

B. Dogs alleged to have bitten a person that do not have proof of current rabies vaccination or current license by the county, dogs with no known owner or licensee and dogs exhibiting aberrant behavior shall be quarantined for ten days at the county small animal shelter or by a licensed veterinarian at the joint and several expense of the owner or license of such dog.

C. The county health department or county dog control division personnel may make spot checks to insure proper quarantine procedures are administered.

D. Any dog alleged to have bitten a person, that dies within ten days after biting such person, shall be immediately delivered to the county department of public health or such department or its delegate shall be notified and permitted to collect the remains of such animal for laboratory analysis. The owner of such dog shall be liable for the cost of such lab tests.

E. Upon proper showing of probable cause and obtaining of a court order by the county department of public health, any dog suspected of being a carrier of rabies virus shall be taken from the owner and submitted for laboratory analysis. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 10(D), 1985)

#### 6.04.510 Killing or injuring livestock--Impoundment.

When a dog control officer has reason to believe that a dog has recently engaged in killing, wounding, injuring or chasing livestock, and that reasonable testing of the dog will provide substantial evidence as to whether the dog has been so engaged, the dog control officer may impound such dog and provide for administration of tests by a licensed veterinarian or properly qualified dog control officer.

A. If the dog control division determines through tests that the dog has been engaged in killing, wounding, injuring or chasing livestock, the dog owner shall pay the cost of administering the tests, in addition to any impoundment, boarding or other fees and fines, if any.

B. If a dog is impounded and tested upon receipt of evidence from a complainant, the dog control division determines through tests that the dog has not been engaged in killing, wounding, injuring or chasing livestock, the complainant shall pay the cost of administering the tests, the impoundment fee, and the cost of keeping the dog during the impoundment. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(A), 1985)

#### 6.04.520 Killing or injuring livestock--Statement of claim.

The owner of any livestock killed by any dog may, within five days after the killing occurs, or becomes known to him, present to the dog control division, a verified statement containing a full account of such killing, stating in detail the amount of damage claimed on account thereof, and the name and address of the owner or keeper

of the dog, if his name is known, as well as any insurance claim the owner may have in this regard, the claim shall be investigated by the dog control division as to all material facts as to damages contained therein. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part) Ord. 306 § 11(B), 1985)

#### 6.04.530 Killing or injuring livestock--Consideration of claim.

All claims presented as provided in Section 6.04.510 shall be considered by the dog control division. The division may allow a claim or any portion thereof that it deems just and reasonable, shall file and enter of record the value of livestock killed, and order a voucher drawn in payment thereof out of the dog fund. If it deems the claim unjust, it shall disallow it and enter such fact upon record. No claim shall be allowed where it appears that the injury or damage complained of is caused by a dog owned by the claimant or his agent, for any amount for which the claimant is insured, where it appears the injury or damage was due to any cause other than a domestic animal of the canine family. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(C), 1985)

#### 6.04.540 Killing or injuring livestock--Collection of claim.

In each case where a claim made for livestock killed has been paid by the dog control division, the county by and through the division shall be subrogated to all rights of the owner of the livestock killed against the owner of the dog for the amount of claim actually paid by the county. The county counsel of the county shall proceed promptly, in a lawful way, to collect on said claim. Any money so collected shall be paid immediately to the director of support services of the county. As a condition of payment of any claim, the claimant must cooperate in any proceeding by the county to recover a subrogated claim. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(D), 1985)

#### 6.04.550 Killing or injuring livestock--Authority to kill dog observed in act.

A dog control officer designated by the director of assessment and taxation shall be empowered to kill a dog observed by the officer in the act of killing, wounding, chasing or injuring livestock, in the same manner and subject to the same restrictions, as are provided in ORS 609.150 for private citizens. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 306 § 11(E), 1985)

#### 6.04.560 Citation.

A county officer, as defined in the uniform citation ordinance, may issue a citation for violation of this chapter other than those provisions designated as civil infractions. Citations shall conform to the requirements of the uniform citation ordinance, Chapter 1.08. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997)

#### 6.04.570 Other enforcement procedures not excluded.

The provisions of this chapter are in addition to and not in lieu of any other procedures and remedies provided by law, including equitable relief and damages. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997)

#### 6.04.575 Civil infraction.

A county officer or a private citizen may issue a notice of civil infraction for violation of any provision of this chapter designated as a civil infraction. Any notice of civil infraction issued by a private citizen must be reviewed and approved by the office of county counsel prior to being served. Notices of civil infraction shall comply with the administrative enforcement ordinance. (Ord. 600 § 2 Exh. A (part), 2002)

#### 6.04.590 Citation--Penalty.

A. The penalty for violation of any provision of this chapter which results in a citation shall be a fine of not more than five hundred dollars.

B. Each day any person shall be in violation of this chapter shall be deemed a separate offense.

C. In addition to any fine imposed pursuant to subsection A of this section, a court may order the impoundment and destruction of any dog found to be dangerous, or found to have killed, injured or chased livestock.

D. Any person who has been convicted of a violation of this chapter and who is found by a court to have been formerly convicted of any violation of this chapter or prior dog control ordinances of the county with the two years preceding the date of the alleged violation may be punished by a fine of not more than one thousand dollars.

E. Any person who, in connection with the issuance of a citation or the filing of a complaint for a dog control ordinance violation, willfully certifies falsely to the matters set forth therein is punishable upon conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not more than three thousand dollars, or both. (Ord. 600 § 2 Exh. A (part), 2002: Ord. 491 § 2(B) Exh. B (part), 1997: Ord. 306 § 13, 1985)

#### 6.04.600 Civil infraction--Penalty.

A. Any violation of this chapter which results in a notice of civil infraction shall be subject to a civil penalty of not more than five hundred dollars, plus fees and costs as specified in the administrative enforcement ordinance.

B. Each day any person is in violation of this chapter shall be deemed a separate infraction, and a new notice of civil infraction may be issued each day the person is in violation.

C. In addition to any civil penalty, the hearings officer may order additional steps to remedy the violation as specified in the administrative enforcement ordinance.

D. Any person who, in connection with the issuance of a notice of civil infraction willfully certifies falsely to the matters set forth therein is punishable by conviction by imprisonment in the county jail for a term not exceeding one year or by a fine of not

more than three thousand dollars, or both. (Ord. 600 § 2 Exh. A (part), 2002)