

CHAPTER 13: ANIMAL SERVICES

§§:

GENERAL PROVISIONS

- 13.001 Title.
- 13.002 Definitions.
- 13.003 Policy.
- 13.004 Spaying And Neutering Encouraged.
- 13.005 Other Laws Apply.

PET LICENSING

- 13.100- Dogs And Cats Subject To Pet Licensing.
- 13.101 License Required; Term.
- 13.102 License Regulations.
- 13.103 Waiver Of Fees.
- 13.104 Filing of Rabies Vaccination Certificate.

FACILITIES LICENSING

- 13.150- Application; Standards.
- 13.151 Licensing Procedure.
- 13.152 Denial And Revocation Of License.
- 13.153 Standards For Licensed Facilities.
- 13.154 Exotic Or Dangerous Animal Facility.

CARE AND TREATMENT OF ANIMALS

- 13.300- Confining In Motor Vehicles Prohibited.
- 13.301 Transfer Or Abandonment In Public Places Prohibited.
- 13.302 Lost Animals; Duties Of Finders.
- 13.303 Animal Wastes; Duty To Remove.
- 13.304 Poisonous Food Prohibited.
- 13.305 Duties Of Owners.
- 13.306 Violations; Notice Of Infraction.
- 13.307 Nuisance Animals; Order To Abate.
- 13.308 Keeping Livestock.
- 13.309 Gamecocks.

DANGEROUS DOGS

- 13.400- Purpose.
- 13.401 Levels Of Dangerousness.
- 13.402 Classification.
- 13.403 Potentially Dangerous Dogs; Appeals; Restrictions Pending Appeal.
- 13.404 Regulation Of Potentially Dangerous Dogs.
- 13.405 Declassification Of Dangerous Dogs.
- 13.406 Other Restrictions; Authority To Impose.

ADMINISTRATION AND ENFORCEMENT

- 13.500- Powers And Duties Of Director.
- 13.501 Notice Of Infraction.
- 13.502 Service.
- 13.503 Dismissal Of Pet License Violations.
- 13.504 Admission Of Infraction; Conditions.
- 13.505 Impoundment.
- 13.506 Release For Adoption.
- 13.507 State Law; Enforcement.
- 13.508 Appeals.
- 13.509 Hearings Procedure.
- 13.510 Stay Of Enforcement; Exceptions.
- 13.511 Impoundment Pending Appeal.
- 13.512 Fees.
- 13.600 Prohibitions.
- 13.610 Exemptions.
- 13.620 Inspections.
- 13.630 Enforcement.
- 13.640 Penalties.
- 13.650 Appeals.
- 13.999 Penalty.

Statutory reference:

Animal control; exotic animals; dealers, see ORS, Ch. 609

Predatory animals, see ORS, Ch. 610

GENERAL PROVISIONS**§ 13.001 TITLE.**

This chapter may be cited as the Animal Control Law.

(‘ 90 Code, § 8.10.005, 07/01/1998; Ord. 156, passed, 12/22/1977)

§ 13.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context requires a different meaning.

ANIMAL. Any nonhuman vertebrate.

ANIMAL AT LARGE. Any animal, excluding domestic cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

ANIMAL DISPLAY. Any exhibition, fair, act, circus, ride, trade show, carnival, race, parade, or similar undertaking in which a wild or exotic animal is required to perform tricks, give rides, or participate as accompaniments for the purpose of entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

ANIMAL RESCUE ENTITY. An individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses, and maintains in its custody 10 or more animals and that solicits or accepts donations in any form.

AGGRESSIVELY BITES. Any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits one or more of the following behaviors, but not limited to: snarling, baring teeth, chasing, growling, barking, snapping, pouncing,

lunging, multiple attacks, multiple lunges, or multiple bites.

BOARD. The Multnomah Board of County Commissioners.

CHRONIC NOISE NUISANCE. Demonstrated by the issuance of two or more notices of infractions or citations for violation of § 13.305(B)(5), and the receipt of multiple complaints from one or more households within a one-year period in close proximity to the animal's location.

CHRONIC SAFETY NUISANCE. Demonstrated by the issuance of two or more notices of infractions or citations for any of the following:

- (1) Violation of § 13.401, relating to the same dog; or
- (2) Any dangerous animal that is not confined as required by law; or
- (3) Any other violation of this chapter based on animal behavior that causes a substantial risk to public safety.

DANGEROUS OR EXOTIC ANIMAL. Any animal which is of a wild or predatory nature, and which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property. A dangerous or exotic animal under this chapter shall include any of the following animals:

- (1) Any large felid from the genus *Panthera*, including: lion, *P. leo*; tiger, *P. tigris*; jaguar, *P. onca*; leopard, *P. pardus*; and snow leopard, *Uncia uncia*; as well as the puma (cougar or mountain lion), *Puma concolor*; clouded leopard, *Neofelis nebulosa*; and cheetah, *Acinonyx jubatus*.
- (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate;
- (3) Any wolf or canine except the species *Canis Familiaris* (domestic dog);
- (4) Any bear;

(5) Any venomous or poisonous reptile;

(6) Any reptile of the order Crocodilia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or Boinae capable of obtaining eight feet or more in length.

DANGEROUS DOG. Any dog found to have engaged in any of the behaviors specified in § 13.402.

DANGEROUS DOG FACILITY. Any site for the keeping of one or more dangerous dogs.

DEPARTMENT DIVISION. Multnomah County Animal Services.

DIRECTOR. The Director of Multnomah County Animal Services or designee.

DOMESTIC ANIMAL. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, or which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period. Examples of domestic animals include dogs, cats and livestock.

ENFORCING AGENCY. The agency that operates a city or county dog licensing and control program under ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the city or county governing body.

EUTHANASIA. Putting an animal to death in a humane manner.

FACILITY. A site excluding veterinary hospitals operated or used for any of the following:

(1) Boarding, training or similar purposes of dogs, cats, or other animals commonly maintained as pets for varying periods of time;

(2) The purposes of breeding, buying, selling, or bartering of dogs and/or cats or other animals commonly maintained as pets;

HARBORING OF A DANGEROUS OR EXOTIC ANIMAL. To knowingly allow the animal to

remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

HEARINGS OFFICER. A person appointed by the Chair to hear appeals decisions of the director concerning violations of this chapter.

IMMEDIATE HEALTH HAZARD. Exists if at any given location there are conditions related to animal care that the director determines warrant immediate intervention; such conditions include, but are not limited to inadequate sanitation, untreated disease, or animals in numbers greater than the animal's owner or keeper can reasonably care for.

KEEPER. Any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for the purpose of safe keeping.

LIVESTOCK. Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine or other farm animals, excluding dogs and cats.

LIVESTOCK FACILITY. Any site for the keeping of livestock.

MINIMUM CARE. Has the meaning as provided in ORS 167.310(8).

MOBILE OR TRAVELING HOUSING FACILITY. Any transporting vehicle such as a truck, trailer or railway car, used to transport or house wild or exotic animals while traveling for an animal display.

MUZZLE. A device constructed of strong, soft material or a metal muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

OWNER. Any person or legal entity having a possessory property right in the animal or any person who has been a keeper of an animal for more than 90 days.

PERMIT. For the purpose of § 13.305, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relationship to an animal.

PERSON. Any natural person, association, partnership, firm or corporation.

PET. A domestic or other animal allowed under this chapter to be kept as a companion.

PET LICENSE. A record issued by Animal Control which identifies an animal of licensable age and the owner.

PHYSICAL DEVICE OR STRUCTURE. A tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

PHYSICAL INJURY. Physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain.

POTENTIALLY DANGEROUS DOG. Any dog that has been found to have engaged in any of the behaviors specified in § 13.401.

PUBLIC NUISANCE ANIMAL. An animal that has been determined by the director to be a chronic noise nuisance, or a chronic safety nuisance, or an animal that is subjected to an immediate health hazard.

SECURE ENCLOSURE. Shall be any of the following:

(1) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a

secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code; or

(2) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or

(3) For a dangerous dog, a fully fenced pen, kennel or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self closing and self latching gate. A "Dangerous Dog" sign prescribed by the director must be posted at the entry to the owner's or keeper's premises.

SERIOUS PHYSICAL INJURY. Any physical injury which creates a substantial risk of death or which causes disfigurement, or protracted loss or impairment of health or of the function of any body part or organ.

SERVICE ANIMAL. Any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. **SERVICE ANIMAL** shall also mean trained animals used by government agencies in police and rescue work.

SEXUALLY UNREPRODUCTIVE. Being incapable of reproduction and certified as such by a licensed veterinarian.

TRAVELING ANIMAL DISPLAY. Any animal display in which wild or exotic animals are transported to, from or in between locations for the purpose of such animal display, in a mobile or traveling housing facility. This shall not include the transportation of a wild or exotic animal between United States Department of Agriculture licensed sanctuaries and zoos for the purpose of providing lifetime care.

WILD OR EXOTIC ANIMAL. Any live animal, excluding livestock, from any of the following scientific classifications:

- (1) Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);
- (2) Crocodilia (including alligators and crocodiles);
- (3) Elasmobranchii (including nurse sharks and lemon sharks);
- (4) Elephantidae (elephants);
- (5) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, or any hybrid thereof, but excluding domestic cats);
- (6) Hyaenidae (hyenas);
- (7) Marsupialia (including kangaroos);
- (8) Non-human primates (including apes, monkeys, and lemurs);
- (9) Perissodactyla (including rhinoceroses, tapirs, and zebras, but excluding horses, donkeys, and mules);
- (10) Pinnipedia (including seals, sea lions, and walruses);
- (11) Struthio (ostriches); and
- (12) Ursidae (bears).

WOLF-HYBRID. Any animal which is either the result of cross breeding a purebred wolf and a dog or an existing wolf-hybrid with a dog.

(Ord. 1260, Amended, 07/12/2018; Ord. 1217, Amended, 04/30/15, Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.105, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986; Ord. 480, passed, 10/31/1985; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.003 POLICY.

The Board recognizes that ORS Chapter 609 constitutes state law for the regulation of dogs but may be superseded in home rule counties which provide for regulation by ordinance. The Board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them; that animals require legal protection; that the property rights of owners or keepers and nonowners of animals should be protected and that the health, safety and welfare of the people residing in the county would best be served by adoption of such an ordinance.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.020, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.004 SPAYING AND NEUTERING ENCOURAGED.

An amount as set by Board resolution from revenue generated by pet licensing shall be used for public education and low cost spay/neuter programs for the purpose of reducing the number of unwanted animals in the county.

('90 Code, § 8.10.260, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 384, passed, 06/23/1983; Ord. 156, passed, 12/22/1977)

§ 13.005 OTHER LAWS APPLY.

Except as expressly provided in this chapter, this chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal laws, rules and regulations, and other ordinances which are now or may be in the future in effect which relate to the requirements provided in this chapter.

('90 Code, § 8.10.240, 07/01/1998; Ord. 156, passed, 12/22/1977)

PET LICENSING**§ 13.100- DOGS AND CATS SUBJECT TO PET LICENSING.**

(A) The provisions of this subchapter shall apply to dogs and cats not covered under a facility subject to licensure under §§ 13.150 through 13.153.

(B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be considered a dog under this chapter and subject to all provisions relating to dogs under state law and this chapter with respect to the possession, ownership and licensing of the animal, including the requirement to vaccinate the animal against rabies.

(C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper, and notwithstanding that person's obligation to vaccinate the animal against rabies under § 13.100(B), any such owner or keeper shall agree in writing to immediately release the animal for euthanization upon demand of the County Health Officer or the Director, if the animal has bitten a person or has been exposed to a rabid animal. This condition, consenting to release, shall be effective for the life of the wolf-hybrid or until such time as a rabies vaccine is approved and certified by the Oregon State Department of Agriculture for use in wolf-hybrids.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.060, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 517, passed, 06/12/1986; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.101 LICENSE REQUIRED; TERM.

(A) Dogs and cats shall be licensed within 30 days of obtaining the age of six months or within 30 days of obtaining residency in the county or acquisition by the owner or keeper, whichever occurs later.

(B) Licenses shall be valid for one, two or three years from date of issuance, at the option of the pet owner or keeper and, for dogs and cats, shall require a current rabies inoculation for licensing period selected and shall be issued upon payment of the fee required by § 13.512.

(C) Licenses issued under prior existing county ordinances shall remain valid until expiration.

(D) The person who licenses an animal becomes the owner or keeper of record and is responsible for the action or behavior of his or her animal, including the responsibilities of owners provided in § 13.305.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.070, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.102 LICENSE REGULATIONS.

(A) Pet license tags shall be securely displayed upon animals at all times, except when the animal is confined to the owner's or keeper's premises or displayed in an exhibition. A pet license tag, with pet license number, shall be issued by the director. Any additional expenses are to be borne by the pet owner or keeper.

(B) A pet license is not transferable to another animal. The pet license number shall be assigned to the animal and shall remain with the animal upon transfer to another owner or keeper for the life of the animal.

(C) An animal displaying a current license from jurisdictions outside the county, but within the state, shall not require licensing under this chapter until expiration of the current license.

(D) Animal control may inspect the premises where animals are kept to insure that owners or keepers are providing minimum care and facilities.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.080, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 195, passed, 04/26/1979; Ord. 156, passed, 12/22/1977)

§ 13.103 WAIVER OF FEES.

(A) License fees shall be waived for any dog used primarily as a service animal upon the owner or keeper establishing the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.

(B) License fees for dogs and cats owned by persons aged 65 or older and persons deemed by the director to be under financial hardship may be reduced by up to 50% for up to two animals per household.

(C) License fees shall be waived for any dog used as a service animal by any local, state or federal government agency. This exemption shall expire when the dog is no longer used primarily as a service animal.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.090, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 684, passed, 06/02/1991; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.104 FILING OF RABIES VACCINATION CERTIFICATE.

A veterinarian performing a rabies vaccination of any dog or cat must transmit a copy of the vaccination certificate or written documentation that includes the information contained on the certificate to the Director within 60 days. In the alternative, a veterinarian may issue a pet license in accordance with the rules adopted by the Director, and submit proof of licensure to the Director within 60 days.

(Ord. 1093, Add, 05/31/2007)

FACILITIES LICENSING**§ 13.150- APPLICATION; STANDARDS.**

A facility license or dangerous dog facility license shall be granted in accordance with procedures, standards and limitations provided in this subchapter, and no such facility may lawfully be operated except upon application and payment of prescribed fees for the license.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.100, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.151 LICENSING PROCEDURE.

(A) Application for a facility license or dangerous dog facility license shall be made upon forms furnished by the director, shall include all information required therein and shall be accompanied by payment of the required fee.

(B) A facility license or dangerous dog facility license shall be valid for one year from the date of issuance, unless revoked.

(C) The director shall inspect any facility for which a license is sought and, upon determination that the facility and its operation complies with all applicable provisions of this chapter and other applicable local, state and federal laws, shall issue a license which may include one or more conditions of approval and/or operation.

(D) If the director fails to approve or deny a fully completed application within 60 days of its receipt and payment of fees, the application shall be considered approved for the current year, subject only to revocation as provided in § 13.152.

(E) A license shall be conspicuously displayed on the facility premises and a holder of a license shall keep available for inspection by the director a record of the name, address and telephone number of the owner or keeper of each animal kept at the facility, the date each animal was received, the purpose therefor, the name and address of the person from whom the animal was purchased or received, a description of each animal including species, age, breed, sex and color and the animal's veterinarian, if known, at the discretion of the director. For small animals such as fish, gerbils, hamsters or similar kinds of animals acquired in lots, an individual record should not be required for each animal, but the holders shall keep adequate invoice records of the lot acquisition.

(F) Any animal rescue entity shall comply with all of the following recordkeeping requirements:

(1) Maintain a record for each animal that identifies:

(a) The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;

(b) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;

(c) The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;

(d) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;

(e) The course of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and

(f) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.

(2) Permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity required by this subsection and furnish reports and information required by the enforcing agency, as provided under ORS 609.415.

(G) An animal rescue entity shall comply with the following licensing requirements:

(1) The entity shall obtain a license issued by the enforcing agency in accordance with ORS 609.415 and any rules or policies adopted by the enforcing agency; and

(2) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license or an annual renewal of this license to provide for the actual cost of enforcing ORS 609.415.

(H) The enforcing agency may not issue or renew a license under this section unless the animal rescue entity is in compliance with ORS 609.415.

(I) An animal rescue entity may transfer a license issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity under this section and rules applicable to the transferee and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.

(J) An applicant for a license issued under this section shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.

(K) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS 609.420.

(L) A violation of this section may result in imposition of civil penalties to be determined by the enforcing agency, including but not limited to impoundment of all animals under the animal rescue's control, the revocation of the animal rescue's license to operate animal rescue operations and a civil penalty of not more than \$500 for each violation.

(M) Before a civil penalty may be imposed under this section, the enforcing agency shall adopt rules or policies that:

(1) Ensure that a person who is the subject of an alleged violation receives notices of the allegations and potential imposition of civil penalties;

(2) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and

(3) Allow for the opportunity for judicial review of the imposition of civil penalties.

(N) Moneys raised by the enforcing agency under this section are dedicated to and shall be used for enforcing agency operations undertaken pursuant to ORS 609.420.

Penalty, see § 13.999

(Ord. 1217, Amended, 04/30/2015, Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.110, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.152 DENIAL AND REVOCATION OF LICENSE.

(A) A license required by this subchapter may be denied or revoked for any of the following reasons:

(1) Failure to comply with any provision of this chapter;

(2) Conviction of the owner or keeper or any person subject to the owner's or keeper's direction or control for the violation of any provision of this chapter or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals; or

(3) Furnishing false information on an application for a license under this chapter.

(B) The director shall refund 75% of any fee paid upon denial of a license, provided, however, no refund shall be made upon revocation.

(C) If the director denies an application for a license or approves subject to conditions, the determination is final unless the applicant appeals the denial or conditional approval.

(D) The director shall investigate any complaint concerning licensed facilities and, upon determination that a license should be revoked, shall serve written notice upon the licensee of that determination by certified mail. The director's determination shall become final unless appealed.

(E) Failure to file a request within 20 days shall terminate any appeal right, and the director's decision revoking the license shall not be reviewable otherwise.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.120, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.153 STANDARDS FOR LICENSED FACILITIES.

(A) The director shall not issue a facility license or dangerous dog facility license until a site inspection demonstrates compliance with the standards applicable to the nature and species of any animal to be kept as set forth in this section.

(B) (1) Housing structures shall be sound and maintained in good repair to protect animals from injury, safely confine any animal housed therein and prevent entry of other animals.

(2) Reliable and adequate electrical service and a potable water supply shall serve the facility.

(3) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation.

(4) Refrigeration shall be furnished for perishable foods.

(5) Safe and sanitary disposal facilities shall be available to eliminate animal and food wastes, bedding, dead animals and debris and to minimize vermin infestation, odors and disease hazards.

(6) Cleaning facilities shall be available to animal caretakers and handlers.

(7) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for animals not acclimatized to lower temperatures.

(8) Adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and minimize drafts, odors and moisture condensation. Mechanical ventilation must be available when ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.

(9) Interior areas shall have adequate natural or artificial lighting provided, however, that primary enclosures for animals shall be protected from excessive illumination.

(10) Interior building surfaces shall be so constructed and maintained to permit sanitizing and prevent moisture penetration.

(11) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage back-flow.

(12) Outdoor facilities shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment, if appropriate for the species.

(13) The primary enclosure shall be of sufficient size to permit each animal housed therein to stand freely, sit, turn about and lie in a comfortable normal position as appropriate for the species. An exercise area or means to provide each animal with exercise shall be provided on the premises.

(14) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, the devices shall be installed in a manner to prevent entanglement with devices of other animals or objects and shall be fitted to the animal by a harness or well-fitted collar, other than a choke type collar, and shall be of reasonable length.

(15) Animals shall be fed as often as necessary a diet of nutritionally adequate and uncontaminated foods.

(16) Potable water shall be continuously available, unless otherwise recommended by a veterinarian in a particular situation.

(17) Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall be sanitized daily to prevent disease. Prior to housing animals in empty enclosures, the enclosures shall be

sanitized. Animals shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect animals in other enclosures.

(18) Excrement shall be removed from primary enclosures a minimum of every 24 hours, or more often if necessary as to prevent contamination, reduce disease hazards and minimize odors.

(19) Animals housed together in primary enclosures shall be maintained in compatible groups with the following restrictions, except in a residential dwelling or otherwise appropriate for the species:

(a) Females in season (estrus) shall not be placed with males except for breeding purposes;

(b) Animals exhibiting vicious behavior shall be housed separately;

(c) Animals six months or less of age shall not be housed with adult animals other than with their mothers, as appropriate for the species;

(d) Animals shall not be housed with other non-compatible species of animals; and

(e) Animals under quarantine or treatment for any communicable disease shall be separated from other animals.

(20) Programs of disease control and prevention shall be established and maintained.

(21) Each animal shall be seen at least once per 24-hour period by an animal caretaker.

(22) The owner or keeper shall comply with the provisions of § 13.305(B)(6) and (B)(8).

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.130, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.154 EXOTIC OR DANGEROUS ANIMAL FACILITY.

(A) It is unlawful to harbor and/or own an exotic or dangerous animal.

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with § 13.154(A):

(1) Any facility accredited by the Association of Zoos and Aquariums (AZA);

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) Licensed or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes;

(5) Persons temporarily transporting exotic animals through the county provided that the transit time shall not be more than three days.

(6) Any person or facility licensed as an exhibitor or breeder by the United States Department of Agriculture (USDA) under the Animal Welfare Act.

(7) Persons owning or keeping a trained exotic primate as a service animal and who have submitted a sworn affidavit affirming the need for the service animal in their personal dwelling.

(C) Any person, not otherwise exempted, in possession of an exotic animal and a current exotic animal facility license prior to and upon August 6, 1998, shall be eligible to request an exemption permit from compliance with § 13.305(B)(13) by submitting a written petition to the director. The petition must address each of the following elements:

(1) What, if any, financial hardship will be caused by the removal of the animal;

(2) Description of the animal including species, age, size, weight, coloring;

(3) History of compliance with all exotic and dangerous animal facility regulations under any applicable federal or state law.

(D) The director shall evaluate whether any petition submitted under subsection (E) herein merits the exotic animal to be maintained at the facility for the duration of the animal's life. Said determination shall be based on comparison of the risk to public health and safety by the specified animal remaining in the facility and petitioner's response to the three factors addressed in the petition.

(E) Any exemption permit issued under this section shall only be available to the original permit holder and shall be non-assignable and nontransferable. An exemption permit shall be subject to annual renewal and routine periodic inspection of the facility. Inspection of the facility wherein the animal is kept shall be for the purposes of evaluating the adequacy of the facility to protect the public from the animal as well as for the care and treatment of the animal. The exemption permit shall:

(1) Terminate upon death of the animal;

(2) Terminate upon the death of the petitioner;

(3) Terminate upon the relocation of the petitioner or the animal to an address or site outside of the boundaries of the county.

(4) Shall be subject to revocation and the animal shall be subject to immediate impoundment upon any notice of infraction being issued to the permit holder;

(5) Provide that upon termination of the permit for any reason, and if the animal has not been otherwise disposed of at such time, that the permit holder, or his or her heirs or successors in interest shall either:

(a) Immediately release the animal to impound by the Animal Control Division; or

(b) Immediately transfer the animal to lawfully exempted agency as provided in subsection (D) herein that has agreed in writing to accept the

animal, proof of which shall be provided to the Animal Control Division prior to the transfer.

(F) Any dangerous or exotic animal found in the county in violation of this section and not otherwise exempt under § 13.154(B) or (C) shall be subject to immediate impoundment by Animal Control and disposition through any lawful and humane means available to Animal Control.

Penalty, see § 13.999

(Ord. 1260, Amended, 07/12/2018; Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

CARE AND TREATMENT OF ANIMALS

§ 13.300- CONFINING IN MOTOR VEHICLES PROHIBITED.

(A) No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including but not limited to dangerous temperature, lack of food, water or attention or confinement with a dangerous animal.

(B) No person shall carry an animal:

(1) Upon the hood, fender, running board or other external part of any moving automobile or truck; or

(2) Within the open bed of any moving pickup, flat-bed or similar vehicle, unless the dog is cross-tethered or protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

(C) 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 division (A) of this section. Any animal so removed shall be delivered to the animal control Shelter after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure location on or within the vehicle. Such additional notice as may be required by § 13.505(D)

shall be given upon impoundment of the removed animal.

(D) No animal control or peace officer shall be held criminally or civilly liable for action under this section, provided the officer acts lawfully, in good faith, on probable cause and without malice.

Penalty, see § 13.999

(Ord. 90 Code, § 8.10.150, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.301 TRANSFER OR ABANDONMENT IN PUBLIC PLACES PROHIBITED.

(A) It is unlawful for any person to abandon or transfer to another by gift, sale, or exchange for any consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or other public property.

(B) This section does not prohibit transfer of animals under the following circumstances:

(1) When the animal transferred is livestock, as defined in § 13.002, and one of the parties to the transfer is a person who engages in the business of buying or selling livestock for profit;

(2) When the transfer takes place pursuant to a sale conducted by a public body or a public officer;

(3) When one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization; or

(4) When the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition.

(C) **ANIMAL WELFARE ORGANIZATION**, for purposes of this section, means an organization which regularly engages in the practice of acquiring or transferring animals for the purposes of animal welfare, which includes protecting or caring for an-

imals, returning animals to their natural habitat, or placing animals for adoption.

Penalty, see § 13.999

('90 Code, § 8.10.155, 07/01/1998; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.302 LOST ANIMALS; DUTIES OF FINDERS.

(A) Any person who finds and harbors an animal without knowing the animal owner's or keeper's identity shall notify the director and furnish a description of the animal within five days after the date of finding the animal.

(B) The finder may surrender the animal to the director or retain its possession, subject to surrender upon demand of the director.

(C) Records of reported findings shall be retained for six months by the director and made available for public inspection.

(D) If the finder chooses to retain possession of the animal, the finder shall, within 15 days, cause to be published in a newspaper of general circulation in the county a notice of the finding once each week for two consecutive weeks. Each such notice shall state the description of the animal, the location where the animal was found, the name and address of the finder and the final date before which such animal may be claimed. If the finder does not wish to have his or her name and address appear in the notice, the finder may obtain a case number from the County Animal Control and have that number published in the newspaper along with the phone number for Animal Control for contact.

(E) If no person appears and claims ownership of the animal prior to the expiration of 180 days after the date of the notice to the director under division (A) of this section, the finder shall be declared the owner of the animal. Any person becoming owner of any animal under the provisions of this division shall assume the responsibilities of an owner under this chapter.

(F) If within 180 days of the finder's notice to the director the animal's owner does appear and establish ownership of the animal, the finder shall surrender possession of the animal to that owner. The

owner must first pay the finder for all of the finder's reasonable actual costs incurred for giving of notice, providing urgent veterinary care and keeping of the animal.

(G) Any dispute as to ownership or right to possession of the animal, or as to the amount of the finder's costs, shall be submitted to the director in writing, who shall decide the matter in writing within 30 days. Any party aggrieved by the director's decision may appeal the decision under §§ 13.508 through 13.511.

(H) Notwithstanding any other provision in this section, any person who prior to December 31, 1995 found and harbored any dog or cat and who notified the director and furnished a description of the animal shall be the animal's owner if, prior to the expiration of 180 days after the director was notified, no person appeared and claimed ownership of the animal. Any person becoming owner of any animal under the provisions of this subsection shall assume the responsibilities of an owner under this chapter. (Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.160, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.303 ANIMAL WASTES; DUTY TO REMOVE.

Any person in physical possession or control of any animal off the premises of the animal's owner or keeper shall immediately remove excrement or other solid waste deposited by the animal in any public area. This section shall not apply to any "Assistance Animal" as defined under ORS 346.680.

Penalty, see § 13.999

(Ord. 1003, Amended, 12/19/2002; Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.170, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.304 POISONOUS FOOD PROHIBITED.

No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals, except as provided by law for nuisance, vector, or predator control.

Penalty, see § 13.999

(‘ 90 Code, § 8.10.180, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.305 DUTIES OF OWNERS.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following:

(1) Permit an animal to be an animal at large;

(2) Permit an animal to trespass upon property of another;

(3) Fail to comply with requirements of this chapter that apply to the keeping of an animal or dangerous animal or any facility where such animals are kept;

(4) Permit a dog in season (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes;

(5) Permit any animal unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. It shall be an affirmative defense under this subsection that the animal was intentionally provoked by a party other than the owner to make such noise. Provided, 13.305(B)(5) shall not be applicable to any lawful livestock owner or keeper; kennel or similar facility, wherein the presence of livestock or the operation of a kennel or

similar facility is authorized under the applicable land use and zoning laws and regulations;

(6) Leave an animal unattended for more than 24 consecutive hours without minimum care;

(7) Deprive an animal of proper facilities or care, including but not limited to the items prescribed in § 13.153. Proper shelter must provide protection from the weather and is maintained in a condition to protect the animals from injury;

(8) Physically mistreat any animal either by abuse or neglect or failure to furnish minimum care;

(9) Permit any animal to leave the confines of any officially prescribed quarantine area;

(10) Permit any dog to engage in any of the behaviors described in § 13.401(A) or (B);

(11) Permit any dog to engage in any of the behaviors described in § 13.401(C) through (D); or

(12) Permit any dog to engage in the behavior described in § 13.402.

(13) Harbor a dangerous or exotic animal that is not otherwise exempted under § 13.154. Provided, any person who owns or is keeping a dangerous or exotic animal on the effective date of this chapter in that person's jurisdiction shall have 180 days from the effective date to provide for the animal's removal from the county or other lawful disposition.

(14) Except as provided under MCC 13.300(B) (2), permit any dog to be tethered for more than 10 hours in a 24-hour period.

(15) Notwithstanding MCC 13.305 (B) (14), permit any dog to be tethered in a manner or method that allows the animal to become entangled for a period of time detrimental to the animal's well being.

(C) For the purpose of this section, OWNER shall mean either owner or keeper as defined in this chapter.

(D) Notwithstanding § 13.305(B)(10), (11) and (12), any dog that has been found to have engaged in behaviors as described at §§ 13.401 and 13.402 shall be classified, regardless of whether it is established by preponderance of the evidence that the dog owner, keeper or other person permitted the dog to engage in the behavior. If in any such case it is not established by a preponderance of the evidence that the person cited permitted the dog to engage in the behavior, no fine shall be imposed against that person, but the dog owner or keeper shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively and;

(1) In any case, wherein the citing officer or the director based upon his or her investigation and review of such case, determines there is insufficient evidence to establish the responsible party permitted the dog to engage in the violative behavior, may in lieu of issuing a notice of infraction for violation of § 13.305(B)(10), (11) and (12) issue a notice of infraction citing this division and the specific division of § 13.401 or 13.402 directly applicable to the dog's alleged behavior.

(2) Any notice of infraction issued pursuant to § 13.305(D)(1) shall not be subject to the imposition of a fine against the person cited, upon issuance or affirmation but that person shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively.

Penalty, see § 13.999

(Ord. 986, Amended, 06/27/2002; Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.190, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 517, passed, 06/12/1986; Ord. 156, passed, 12/22/1977)

§ 13.306 VIOLATIONS; NOTICE OF INFRACTION.

(A) The failure to comply with any conditions or restrictions lawfully imposed pursuant to a notice of infraction or director's decision not otherwise stayed under § 13.510 is a violation of this chapter. Failure to pay the civil fine shall be an infraction under this section. A notice of infraction issued under this section for failure to comply shall be of the same classification as the original infraction. The

first notice of infraction issued under this section shall not be construed as a second offense under § 13.999.

(B) Except as provided in division (C) of this section, all enforcement actions under this section shall be brought before a hearings officer.

(C) Any enforcement action for a Class A infraction failure to comply wherein the circumstances of the failure to comply by the party in violation are determined by the director to:

(1) Be a substantial risk to public safety;

(2) Be a substantial risk to the care and treatment of the subject animal(s); or

(3) Be a failure to pay past-due fines on three or more infractions within a 12-month period; shall be brought in the state court as provided under ORS 203.810 and ORS 30.315.

(D) Notwithstanding division (A) of this section, a notice of failure to comply issued under this section that is based solely on the failure to pay the annual classified dog fee under § 13.404 shall be a Class C infraction.

(E) In addition to any other remedies allowed by law, judgment may be entered under this section in state court against any person issued a citation under division (C) of this section by reason of that person failing to appear at the time and date set for arraignment or other required appearance provided that such judgment shall only be allowed if the notice of infraction served on the person contains a statement notifying the person that a monetary judgment may be entered against the person up to the maximum amount of fines, assessments, and other costs allowed by law for the infraction if the person fails to appear at the time, date and court specified in the notice of infraction or subsequent hearing notice from the court.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.191, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 773, passed, 07/22/1993; Ord. 732, passed, 09/03/1992)

§ 13.307 NUISANCE ANIMALS; ORDER TO ABATE.

(A) Whenever a public nuisance animal, as determined by the director under this chapter is found on any premises within the jurisdiction of the county, a written order may be given to the owner or keeper of the animal(s), or to the owner, occupant, person in possession, person in charge, or person in control of the premises where the animal(s) is (are) located, or a written order may be posted at such premises when none of the above people can be found at the premises. Such order shall be signed by the director and shall give the person or persons to whom it is directed no less than 72 hours (three days) nor more than 120 hours (five days) to remove and abate the nuisance.

(B) If, after the time given to comply with the notice has passed, the nuisance has not been abated, the director may summarily abate the nuisance by ordering impoundment of the animal(s) and assess the cost of such abatement against the owner or keeper of the animal(s), or the owner, occupant, person in possession, person in charge, or person in control of the premises where the animal(s) is (are) located, to be collected by suit or otherwise, in addition to the penalties for the violation thereof.

(C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as provided in division (A) of this section and shall be construed as a class A infraction.

(D) (1) Any party served a written order to abate a nuisance as provided in division (A) of this section, may appeal the order as provided under § 13.508. The appeal under this section may be consolidated with any underlying infraction still pending and eligible for appeal under this chapter. Provided, any challenge to an enforcement action brought under division (C) of this section, including issues relating to the validity of the order to abate the nuisance, shall be joined in one state court proceeding, and there shall be no further administrative review or appeal except as directed by the court.

(2) Any animal impounded pursuant to the order to abate shall not be released until such time as the director, hearings officer, or court of competent jurisdiction orders such release.

(E) (1) Any enforcement action first brought under § 13.306(C) shall bar any enforcement action brought under this section in relation to the same event or series of events subject to regulation and enforcement under this chapter.

(2) Notwithstanding § 13.306(C), any enforcement action first brought under this section shall bar any enforcement action brought under § 13.306(C) in relation to the same event or series of events subject to regulation and enforcement under this chapter.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.192, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

§ 13.308 KEEPING LIVESTOCK.

(A) Owners or keepers of livestock shall post at an entrance to property containing livestock a sign to be furnished by the director which shall display a number assigned by the director.

(B) The sign shall be posted so that it can be read from the nearest public property.

(C) An owner or keeper whose livestock are in violation of this chapter or any other statute pertaining to livestock shall reimburse the county for any expenses incurred for investigation of the violation if reimbursement is not otherwise provided for in § 13.512 or other applicable statutes. Reimbursement claims shall be a debt due the county and enforceable as such at law.

Penalty, see § 13.999

(‘90 Code, § 8.10.210, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.309 GAMECOCKS.

It is unlawful for any person in the county to:

(A) Harbor, keep, possess, breed or deal in gamecocks; or

(B) Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or injured by any other animal or to train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person's control, and any person present as a spectator at that exhibition, shall be considered a violator of this division and subject to punishment upon conviction.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998)

DANGEROUS DOGS

§ 13.400- PURPOSE.

The purpose of this subchapter is to establish a procedure for dogs that pose a reasonably significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury has occurred.

(‘ 90 Code, § 8.10.265, 07/01/1998; Ord. 517, passed, 06/12/1986)

§ 13.401 LEVELS OF DANGEROUSNESS.

Classification of a dog as potentially dangerous shall be based upon specific behaviors exhibited by the dog. For purposes of this subchapter, behaviors establishing various levels of potentially dangerous dogs are the following:

(A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

(B) Level 2 behavior is established if a dog, while at large, causes physical injury to any domestic animal.

(C) Level 3 behavior is established if a dog, while confined so as not to be at large, as defined in § 13.002, aggressively bites any person.

(D) Level 4 behavior is established if:

(1) A dog, while at large:

(a) Aggressively bites any person; or

(b) Kills or causes the death of any domestic animal or livestock; or

(2) A dog classified as a Level 3 potentially dangerous dog that repeats the behavior in division (C) of this section after the owner or keeper receives notice of the Level 3 classification.

(E) Notwithstanding divisions (A) through (D) of this section, the director shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in divisions (A) through (E) of this section, if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.270, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986)

§ 13.402 CLASSIFICATION.

(A) Classification of a dog as a dangerous dog shall be based upon the dog engaging in any of the following behaviors:

(1) A dog, whether or not confined, causes the serious physical injury or death of any person; or

(2) A dog is used as a weapon in the commission of a crime.

(B) Notwithstanding division (A) of this section, the director or hearings officer shall have discretionary authority to refrain from classifying a dog as a dangerous dog, even if the dog has engaged in the behaviors specified in division (A) of this section, if the director or hearings officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to human life or property.

(S-2018)

(C) If a dog is classified under this section as a dangerous dog and the owner requests to keep the dog, the director shall have discretion to order the dog not be euthanized provided the dog is placed in a certified dangerous animal facility as defined under this chapter.

(D) The director in making a determination under division (C) of this section may consider any relevant evidence that addresses one or more of the following factors:

(1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a dangerous dog facility;

(2) Whether the dog has successfully completed the certified American Temperament Testing Society or Pet Partners as deemed appropriate; or

(3) The reasonable likelihood of no repeated behavior by the animal in violation of this chapter.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.271, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

**§ 13.403 POTENTIALLY DANGEROUS
DOGS; APPEALS;
RESTRICTIONS PENDING
APPEAL.**

(A) The director shall have authority to determine whether any dog has engaged in the behaviors specified in §§ 13.401 or 13.402. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the director. These observations and testimony can be provided by the County Animal Control Officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

(B) The director shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.

(C) The director shall give the dog's owner or keeper written notice by certified mail or personal service of the dog's specified behavior, of the dog's classification as a potentially dangerous dog or dangerous animal, of the fine imposed, and of the restrictions applicable to that dog by reason of its classification. If the owner or keeper denies that the behavior in question occurred, the owner or keeper may appeal the director's decision to the hearings officer by filing a written request for a hearing with the director as provided under § 13.508.

(D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog or dangerous animal pursuant to division (C) of this section, the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the director shall have authority to impound the dog pending completion of all appeals.

(E) If the director's decision or the hearings officer's decision finds that a dog has engaged in dangerous animal behavior, the dog shall be impounded pending the completion of a dangerous animal facility application or any appeals.

(F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior as defined under this code, shall be impounded pursuant to § 13.307 if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the director or the hearings officer.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.275, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 550, passed, 03/28/1987; Ord. 517, passed, 06/12/1986)

**§ 13.404 REGULATION OF
POTENTIALLY DANGEROUS
DOGS.**

In addition to the other requirements of this chapter, the owner or keeper of a potentially dangerous dog shall comply with the following conditions:

(A) Dogs classified as Level 1 dogs shall be restrained, so as not to be at large, as defined in § 13.002, by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk, or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, whenever that dog is outside the owner's or keeper's home and not on a leash.

(B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. In addition, the owner or keeper may be required to complete a responsible pet ownership program as prescribed by the director or a hearings officer.

(C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, and the owner or keeper shall post warning signs, which are provided by the director, on the premises where the dog is kept, in conformance with rules to be adopted by the director. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. The owner or keeper shall not permit the dog to be off the owner's or keeper's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the director may require the owner or keeper to satisfactorily complete a pet ownership program.

(D) Dogs classified as a dangerous animal as described in § 13.402 shall be euthanized or placed

in a dangerous animal facility as determined by the director or hearings officer. A dog classified as a dangerous animal shall be confined within a secure enclosure with a double security gate and shall meet the requirements in division (C) of this section. In addition, the director or hearings officer may suspend, for a period of time specified by the director or hearings officer, that dog owner's or keeper's right to be the owner or keeper of any dog in the county, including dogs currently owned by that person.

(E) All dogs classified as dangerous animals, and determined by the director or hearings officer to be euthanized, shall be euthanized at any time not less than 20 days after the date of classification. Notification to the director of any appeal to the hearings officer as provided for in § 13.508(A), or to any court of competent jurisdiction, shall delay destruction of the dog until a date not less than 15 days after a final decision by the hearings officer or final judgment by the court.

(F) To insure correct identification, all dogs that have been classified as potentially dangerous or dangerous animals shall be marked with a permanent identifying mark, micro-chipped, photographed, and may be fitted with a special tag or collar determined by the director at the owner's expense. The director shall adopt rules specifying the type of required identification.

(G) In addition to the normal licensing fees established by § 13.512, there shall be an annual fee in an amount set by Board resolution for dogs at each classification level. This additional fee shall be imposed at the time of classification of the potentially dangerous dog and shall be payable within 30 days of notification by the director. Annual payment of this additional fee shall be due and payable upon the anniversary date of the classification.

(H) The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the warning sign to be removed from the secure enclosure, and shall not permit the special tag or collar to be removed from the classified dog. The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the dog to be moved to a new address or change owners or keepers without provid-

ing the director with ten days' prior written notification.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.280, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 773, passed, 07/22/1993; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986)

§ 13.405 DECLASSIFICATION OF DANGEROUS DOGS..

A declassification fee in an amount to be set by Board resolution will be assessed when the classification period begins. Declassification will be automatic pursuant to this section.

(A) The following conditions must be met:

(1) Level 1 or Level 2 dogs have been classified for one year without further incident, and two years for Level 3 and Level 4 dogs; and

(2) There have been no violations of the specified regulations; and

(3) Any other condition ordered by the director or hearings officer at the time of classification.

(a) The owner or keeper provides the director with written certification of satisfactory completion of obedience training for the dog classified, with the owner or keeper.

(b) In addition, the director may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered.

(B) When the owner or keeper of a potentially dangerous dog meets all of the conditions in this division, the restrictions for Level 1 and Level 2 classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs classified as dangerous animals may be removed, with the exception of the secure enclosure.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.285, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 517, passed, 06/12/1986)

(S-1 2018)

§ 13.406 OTHER RESTRICTIONS; AUTHORITY TO IMPOSE.

(A) The director or hearings officer shall have authority to determine whether any infraction of this chapter warrants other restrictions and conditions be imposed on the party in violation as provided in § 13.999, in addition to the civil fine.

(B) This determination may be based upon an investigation that includes observation of and testimony about the circumstances and the nature of the infraction, including the animal's behavior, the owner's control of the animal, the care and treatment of the animal, and other relevant evidence as determined by the director. These observations and testimony can be provided by the county animal control officers or by other witnesses who personally observed the circumstances. They shall sign a written statement attesting to the observed circumstances and agree to provide testimony, if necessary.

(C) The director shall give the party in violation written notice by regular or certified mail or personal service of the director's decision imposing a fine and any conditions or restrictions under this section and § 13.999. The notice shall contain a brief explanation why the additional conditions and restrictions were imposed. If the party wishes to challenge the director's decision, the party may appeal, as provided under § 13.508.

(' 90 Code, § 8.10.290, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

ADMINISTRATION AND ENFORCEMENT

§ 13.500- POWERS AND DUTIES OF DIRECTOR.

(A) It shall be the responsibility of the director, and those the director designates, to enforce provisions of this chapter.

(B) The director and persons duly authorized under ORS 204.635(2) shall be empowered to exercise the authority of peace officers to the extent necessary to enforce this chapter.

(C) Persons designated by the director to enforce this chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

(D) No person shall intentionally hinder or interfere with or prevent the exercise of any powers conferred under this chapter or the state statutes incorporated into this chapter under § 13.507, nor shall any person knowingly provide false information to the director. A violation issued under this division is a class C misdemeanor.

(E) The director may waive or modify any of the standards for licensing of facilities as the director considers appropriate to meet peculiar requirements of a particular animal or species.

(F) The director shall be authorized to reduce or waive any fee prescribed by this chapter except those related to licensing and registration.

Penalty, see § 13.999

(‘ 90 Code, § 8.10.030, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.501 NOTICE OF INFRACTION.

(A) Whenever a county animal control officer or person designated by the director has reasonable grounds to believe that an animal or facility is in violation of this chapter, that officer or designee shall be authorized to issue the owner or keeper notice of civil infraction.

(B) The notice shall contain the following information:

(1) The name and address, if known, of the owner or person in violation of this chapter and description of the animal, if applicable;

(2) The code section allegedly violated plus a brief descriptive statement of the nature of the violation;

(3) A statement of the amount due as a civil fine for the infraction and notice that the animal is to

be impounded if impoundment is authorized hereunder;

(4) A statement explaining all fines are due within 30 days of service of the notice;

(5) A statement advising that if any civil fine is not timely paid, the failure to comply may lead to enhancement of the original fine or additional fines;

(6) A statement that the determination of violation is final unless appealed by filing a written notice of appeal including a fee, in an amount set by Board resolution, to the director of animal control division within 20 days of the date of the notice of infraction was served; and

(7) A statement that an admission of infraction would be on record and could lead to the enhancement of fine on any subsequent infraction issued under this chapter as provided under § 13.999. (Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.035, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.502 SERVICE.

The notice of infraction shall be served on the owner or keeper of the animal or facility in violation of this chapter by personal service or by regular and certified mail with return receipt requested.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.036, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.503 DISMISSAL OF PET LICENSE VIOLATIONS.

Notices of infraction issued for violations of the pet licensing requirement as set forth in §§ 13.100 through 13.103 shall be dismissed by the director upon reasonable proof that the required pet license(s) have been obtained within ten days of service of the notice(s) of infraction.

(‘ 90 Code, § 8.10.037, 07/01/1998; Ord. 732, passed, 09/03/1992)

§ 13.504 ADMISSION OF INFRACTION; CONDITIONS.

(A) Any party who is issued a notice of infraction for any offense listed under § 13.999(A) may, in lieu of requesting a hearing, admit the infraction and submit the fine as stated on the notice of infraction to the animal control division. The party may attach a written explanation of mitigating circumstances with the payment of the fine.

(B) Any written explanations submitted under division (A) shall be reviewed by the hearings officer. The hearings officer shall have discretion to reduce the submitted fine and refund any portion not retained based on the written explanation.

(C) When a person issued a notice of infraction for violation of any of the following sections of this chapter: § 13.305(B)(2), (5), (10), (11), or (12); or § 13.306(A), the violation may be compromised as provided in division (D) of this section.

(D) (1) If the person injured, damaged, or otherwise detrimentally impacted by the commission of the violation acknowledges in writing any time before the final decision of the director, hearings officer, or a court of requisite jurisdiction, that the person has received satisfaction for the injury, damage or detrimental impact, the director, hearings officer or court may in their discretion, on payment of any cost or expense incurred, order the notice of infraction dismissed.

(2) The director, hearings officer, or court when issuing an order to dismiss under this section, may impose additional conditions or requirements upon the party issued the violation, if in their determination the additional requirements are necessary to further protect the public health or safety.

(3) Any condition or requirement imposed pursuant to division (D)(2) of this section shall be complied with prior to the entry of the final order dismissing the notice of infraction(s).

(E) The order authorized by division (D) of this section, when made and entered by the director,

hearings officer or court is a bar to another enforcement action for the same violation.

(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.038, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.505 IMPOUNDMENT.

(A) The director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine any animal delivered to the director's custody under provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

(B) Any animal may be impounded and held at the facility when it is the subject of a violation of this chapter, when an animal requires protective custody and care because of mistreatment or neglect by its owner or keeper or when otherwise ordered impounded by a court, a hearings officer, or the director.

(C) An animal shall be considered impounded from the time the director or the director's designee takes physical custody of the animal.

(D) Impoundment is subject to the following holding period and notice requirements:

(1) An animal bearing identification of ownership shall be held for 144 hours from time of impoundment. The director shall make reasonable effort by phone to give notice of the impoundment to owner or keeper and, if unsuccessful, shall mail written notice to the last known address of the owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

(2) An animal for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of the animal.

(3) Animals held for periods prescribed under this section, or as otherwise required by ORS 433.340 or 433.390, and not redeemed by the owner

or keeper, shall be subject to such means of disposal as the director considers most humane.

(4) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in division (D)(1) of this section. A receipt shall be given the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and shall serve as the notice required by this section.

(E) (1) Any impounded animal shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of impoundment, care, rabies, vaccination deposits, license fees, past due fines, and all fees and deposits related to potentially dangerous dog regulations with the addition of the following conditions:

(a) Any animal impounded by court, hearings officer's or director's order shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon receipt of a written order of release from the court of competent jurisdiction or the hearings officer or the director issuing the order.

(b) Any classified potentially dangerous dog shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon verification of satisfactory compliance with the regulations required in §§ 13.401 through 13.406. Failure to be in satisfactory compliance with the potentially dangerous dog regulations within twenty days after the date of impoundment shall result in the owner or keeper forfeiting all rights of ownership of the dog to the county.

(2) An animal held for the prescribed period and not redeemed by its owner or keeper, and which is neither a dangerous or exotic animal or in an unhealthy condition, may be released for adoption subject to the provisions of § 13.506.

(3) The director shall dispose of animals held for the prescribed period without redemption or adoption only by humane means.

(4) At any time the director may euthanize any unlicensed and feral animal, or any unhealthy or injured animal by humane means without regard to the holding period specified in (D)(1)(2) above, provided the animal's injuries must be determined to be life threatening or if the animal is unhealthy the animal's condition must be found to present a health threat to the other animals in the shelter.

(5) Any device attached to any animal upon impoundment shall be retained 30 days by the director should the animal be disposed of as provided in division (E)(3) of this section. Otherwise, the device shall accompany the animal when redeemed or adopted.

(F) (1) Whenever a person in possession of an animal which has been used in the commission of a violation of this chapter and which is the subject of a lawful order of impound refuses to voluntarily release said animal to an animal control officer upon timely and reasonable request, the director shall determine the need to procure the animal's immediate impoundment.

(2) A limited search warrant authorized under this section shall be sought by the division after the director has determined the animals immediate impoundment is necessary based on one or more of the following factors:

(a) The public's health and safety is at risk by the subject animal remaining in the possession of the owner.

(b) The health and welfare of the subject animal is at risk by the animal remaining in the possession of the owner or keeper.

(c) The owner/keeper has failed to comply with requirements specified in § 13.307.

(3) The director shall request the assistance of the Sheriff to procure and execute the limited search warrant. The Sheriff shall prepare the application for the warrant including the affidavit in support thereof. The Sheriff shall obtain the warrant in

compliance with the procedures and practices authorized under state law for the seizure of property pursuant to a search warrant. The director and the Sheriff shall coordinate with the Office of County Attorney to review the affidavit for compliance with all the provisions herein stated.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.040, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 379, passed, 04/28/1983; Ord. 276, passed, 08/06/1981; Ord. 156, passed, 12/22/1977)

§ 13.506 RELEASE FOR ADOPTION.

(A) An animal may be released for adoption or transferred to another adoption agency, approved by the director, subject to the following conditions:

(1) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter;

(2) Payment of required fees; however, animals transferred to another adoption agency are exempt from the requirement of paying adoption fees;

(3) In the case of a fertile dog or cat, the adoption agency must obtain prior to transfer from the adoption agency to the adoptive owner a written agreement by the adoptive owner to render any adopted dog or cat sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs, together with a fee in an amount set by Board resolution, refundable upon furnishing evidence that the animal has been rendered sexually unproductive. Failure to perform the agreement shall be a forfeiture of the amount deposited under this paragraph and the director may require return of the adopted dog or cat to the shelter. It is unlawful to fail to return an adopted animal as required by the director.

(B) The director may decline to release an animal for adoption under any circumstances including but not limited to:

(1) The prospective adoptive owner has a history of violations of this chapter or has been convicted of an animal-related crime;

(2) The prospective adoptive owner has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as set out in § 13.305;

(3) The existence of other circumstances which, in the opinion of the director, would endanger the welfare of the animal or the health, safety and welfare of the people residing in the county; or

(4) The animal is classified as a dangerous dog or a potentially dangerous dog.

(C) For purposes of this section, ADOPTION AGENCY shall mean any government, association, corporation or similar entity approved by the director and capable of caring for animals pending final adoption placement.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.045, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 379, passed, 04/28/1983; Ord. 276, passed, 08/06/1981)

§ 13.507 STATE LAW; ENFORCEMENT.

(A) Pursuant to ORS 609.015(1), this chapter supersedes enforcement in the county of the following state statutes: ORS 609.010(2), 609.030, 609.040, 609.060, 609.090, 609.092, 609.095, 609.097, 609.100, 609.110, 609.150, 609.155, 609.160, 609.170, 609.180, 609.190.

(B) Enforcement of ORS 433.340 through 433.390 shall be the responsibility of the director and the county Health Officer. Such enforcement procedures shall comply with the state law and are not subject to the enforcement provisions of this chapter.

(‘90 Code, § 8.10.050, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.508 APPEALS.

(A) Any party served a notice of infraction or director's decision or order under this chapter may appeal the infraction or director's decision by submitting a notice of appeal in writing along with the hearing fee in an amount set by Board resolution to

the Animal Control Division within 30 days of the date the notice of infraction or director's decision or order was served on the party.

(B) Any party whose application for a facility license or dangerous animal facility license was denied, revoked or issued subject to conditions may appeal the license denial, revocation or conditional approval by submitting a notice of appeal in writing along with the hearing fee in an amount set by Board resolution to the Animal Control Division within 20 days of the date the denial or conditional approval was mailed to the applicant by certified mail.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.054, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.509 HEARINGS PROCEDURE.

(A) The Board shall adopt procedural rules governing the conduct and scheduling of the appeal hearings under this chapter.

(B) Upon the receipt of a timely appeal, animal control division shall set the matter for hearing on the next available date scheduled for Animal Control hearings.

(C) Any party appealing a notice of infraction or license denial/revocation or director's decision or order under this chapter shall be given a written notice of the hearing date no less than ten days prior to the scheduled hearing.

(D) The hearings officer shall hold a public hearing on any timely appeal from a notice of infraction, director's decision or order, or the denial/revocation of a facility license. The party who brought the appeal or any other person having relevant evidence concerning the nature of the infraction or license denial/revocation shall be allowed to present testimony and documentary evidence at the hearing. The hearings officer may consider mitigating or extenuating circumstances presented on behalf of a party.

(E) If the hearing is held to address a notice of infraction or director's decision issued under §§ 13.403 or 13.406, the hearings officer shall determine whether the infraction contained in the notice

did occur. The hearings officer shall have the same authority as the director under § 13.403 when conducting potentially dangerous dog hearings.

(F) If the hearing is held to address a facility license condition, denial or revocation, the hearings officer shall determine whether the license conditions were rightfully imposed or the license was rightfully denied or revoked as provided under § 13.152.

(G) The hearings officer shall issue a written decision containing findings of fact addressing the allegations contained in the notice of infraction, the director's decision, or the license denial/revocation under §§ 13.150 through 13.153. The decision shall clearly state the hearings officer's conclusion and the reasoning based on the findings of fact. The decision shall be signed and dated by the hearings officer and shall be served by personal service or regular and certified mail to the last known address of the party who filed the appeal. The decision shall be final on the date of personal service or three days after mailing.

(H) In all appeals under this chapter, the hearings officer shall have discretion ordering conditions, restrictions and penalties.

(I) Failure of a party to file an appeal as provided in this section or unexcused failure of a party to appear at a duly scheduled hearing shall constitute a waiver by the party of any further appeal under this chapter. Upon the entry of a waiver in the record, the last decision issued by the animal control division shall become final.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.055, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.510 STAY OF ENFORCEMENT; EXCEPTIONS.

(A) Enforcement of any notice of infraction or decision of the director shall be stayed during the pendency of an appeal, except:

(1) Restrictions or conditions placed on animal owner or keeper by the director under §§ 13.400 through 13.406; or

(2) The impoundment of an animal as required under this chapter or because it was necessary for the protection of the animal under § 13.505.

(B) Notwithstanding division (A) of this section, in any case wherein the subject animal has been impounded and is to be euthanized pursuant to a hearings officer's decision, a party seeking a writ of review under ORS 34.010 to 34.100 of that decision, may obtain a stay of the destruction of the animal pending the resolution of the writ of review proceeding only as provided in this division. The party shall submit a written notice to the director within 15 days of the date of the hearings officer's decision of the party's intent to file a writ of review. The written notice shall be submitted with a deposit as required under § 13.511, if applicable.

(C) In any case subject to division (B) of this section, the written notice to the director shall stay the destruction of the animal until a date not less than 15 days after final judgment by the court or the party's rights have expired under ORS 34.030.
(' 90 Code, § 8.10.056, 07/01/1998; Ord. 732, passed, 09/03/1992)

§ 13.511 IMPOUNDMENT PENDING APPEAL.

(A) In any appeal wherein the subject animal has been impounded pending appeal of director's decision to the hearings officer, the owner or keeper of the animal shall be required to post a deposit with the director in an amount set by Board resolution at the time an appeal is requested to apply towards the expense of sheltering the animal during the appeal process.

(B) If an animal not previously impounded under this chapter is subsequently ordered to be impounded by a hearings officer and the owner or keeper appeals the hearings officer's decision by writ of review to the circuit court, the owner or keeper of the animal shall be required to post a deposit with the director in an amount set by Board resolution at the time the notice of intent to file the writ of review is submitted under § 13.510(B) to apply towards the expense of sheltering the animal during the pendency of the writ of review proceeding.

(S-1 2018)

(C) In either situation described above in division (A) or (B) of this section, if the finding of a violation is upheld on appeal, the animal's owner or keeper shall be liable for the cost of the animal's impoundment and shall pay all fees incurred for sheltering and caring for the animal. If the animal control division's finding is reversed on appeal, the deposit shall be refunded.

(' 90 Code, § 8.10.057, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.512 FEES.

Fees shall be imposed under this chapter in amounts set by Board resolution.

(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.220, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 732, passed, 09/03/1992; Ord. 683, passed, 06/06/1991; Ord. 480, passed, 10/31/1985; Ord. 384, passed, 06/23/1983; Ord. 379, passed, 04/28/1983; Ord. 262, passed, 01/08/1981; Ord. 195, passed, 04/26/1979; Ord. 156, passed, 12/22/1977)

§ 13.600 PROHIBITIONS.

It shall be unlawful for any person to allow for the participation of a wild or exotic animal in a traveling animal display.

(Ord. 1260, Added, 07/12/2018)

§ 13.610 EXEMPTIONS.

For the purposes of this chapter, the following exemptions applies:

(1) The employee or contractor of a filmmaker (as defined in ORS Title 26A Chapter 284.368) for the purposes of producing a film (as defined in ORS Title 26A Chapter 284.368) is exempt from the provisions of the ordinance.

(Ord. 1260, Added, 07/12/2018)

§ 13.620 INSPECTIONS.

The Director shall have authority to inspect and investigate potential violations of this subchapter.

(Ord. 1260, Added, 07/12/2018)

§ 13.630 ENFORCEMENT.

(1) The Director shall monitor and enforce compliance with this subchapter.

(2) Enforcement may be initiated by complaint.

(3) The Director may issue civil penalties based upon a finding that a person is in violation of this subchapter.

(Ord. 1260, Added, 07/12/2018)

§ 13.640 PENALTIES.

Any persons, facilities, institutions, persons, entities, associations, or government agencies found to have violated any provision of this subchapter shall be subject to a fine for a Class A infraction pursuant to Section 13.999B(1). Fines may accrue up to the maximum allowable under Oregon state law.

(1) Section 13.999B(1): A fine for Class A infraction shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$500.

(2) Each individual use or display of a wild or exotic animal shall be considered a separate infraction.

(3) Any wild or exotic animal in a traveling animal display, along with their housing unit may be subject to impoundment if the wild or exotic animal is deemed to be in imminent harm or danger.

(Ord. 1260, Added, 07/12/2018)

§ 13.650 APPEALS.

Any person receiving a fine for violation of this subchapter may appeal the fine and request a hearing. Appeals must be sent to the Department and postmarked within thirty (30) calendar days of the notice of fine date.

(Ord. 1260, Added, 07/12/2018)

§ 13.999 PENALTY.

(A) *Classification.* Violations of the provisions of this chapter shall be classified as provided below.

(1) *Class A infractions.* Violations of the following sections or divisions shall be Class A infractions:

(a) Section 13.500;

(b) Section 13.300;

(c) Section 13.304;

(d) Section 13.305(B)(7) - (B)(9), (B)(11) - (B)(15);

(e) Section 13.307; and

(f) Section 13.309.

(2) *Class B infractions.* Violations of the following sections or divisions of this chapter shall be Class B infractions:

(a) Section 13.506(A)(3);

(b) Section 13.301; and

(c) Section 13.305(B)(3) - (B)(6), (B)(10).

(3) *Class C infractions.* Infractions of the following sections or divisions of this chapter shall be Class C infractions:

(a) Section 13.101;

(b) Section 13.104;

(c) Section 13.303;

(d) Section 13.305(B)(1), (B)(2); and

(e) Section 13.308.

(4) *Other infractions.* Except as provided under §§ 13.306 and 13.307, any other violation of this chapter not listed in this division shall be a Class A infraction.

(B) *Fines.*

(1) *Class A infraction.* A fine for Class A infraction shall be no less than \$100 nor more than

(S-2018)

\$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed, the fine shall be not less than \$500.

(2) *Class B infraction.* A fine for Class B infraction shall be no less than \$50 nor more than \$250 for a first offense. If the violator committed either a Class A or B infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$100 nor more than \$250. If the violator has committed two or more Class A or B infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class B infraction, the fine shall be \$250.

(3) *Class C infraction.* A fine for a Class C infraction shall be no less than \$30 nor greater than \$150 for a first offense. If the violator has committed a Class A, B, or C infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$50 nor more than \$150. If the violator has committed two or more Class A, B, or C infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class C infraction, the fine shall be \$150.00.

(C) *Facility operations violations.*

(1) The operation of a facility without a license for which licensing is required under §§ 13.150 through 13.153 shall be a Class A infraction, and, in addition, the director or hearings officer may order removal of the animals housed in the facility or allow the facility operator to find suitable homes for the animals within 30 days or to be impounded subject to § 13.505.

(2) The operation of a facility by a person holding a facility license under §§ 13.150 through 13.153, in violation of any provision of the license applicable to that license or to the care of the animals housed in the facility, shall be a Class A infraction; and in addition the director or hearings of-

ficer may order removal of any or all animals from the facility for impoundment subject to § 13.505 or allow the facility operator to find suitable homes for the animals within 30 days.

(D) *Additional conditions and restrictions.* In addition to the monetary civil penalties imposed for infractions of this chapter, and the regulations applicable under § 13.404, the director and the hearings officer shall have authority to order additional restrictions and conditions upon the party in violation, including but not limited to the following:

(1) Require the owner or keeper and animal to satisfactorily complete an obedience program approved by the director or hearings officer at owner's or keeper's expense;

(2) Require the owner or keeper to attend a responsible pet ownership program adopted or approved by the director or hearings officer, at the owner's or keeper's expense;

(3) Require the owner or keeper of an animal that unreasonably causes annoyance, as described in § 13.305, to keep the animal inside the owner or keeper's residence during hours specified by the director or hearings officer;

(4) Suspend the animal owner's or keeper's right to own or keep any animal in the county for a period of time specified by the director or hearings officer;

(5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer; and

(6) Any other condition(s) that would reasonably abate the infraction.

(E) *Late payment penalties.* If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25% of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50% of the original amount.

(F) *Collection.* At the discretion of the director, any civil penalty(ies) not paid within 30 days from the date of issuance of the notice of infraction may be assigned to a collections agency for collection.

(Ord. 1093, Amended, 05/31/2007; Ord. 986, Amended, 06/27/2002; Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 773, passed, 07/22/1993; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

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