

YAMHILL COUNTY CODE

TITLE 4: PUBLIC PEACE, MORALS, AND WELFARE

Chapter 4.05: Yamhill County Dog Control Code

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LEGISLATIVE HISTORY

APPENDIX A: DOG CONTROL FEES

SECTION 1 - POLICY, PURPOSE, TITLE, & APPLICATION

4.05.01.01 Policy.

- a) The Board of Commissioners of Yamhill County recognizes that ORS Chapter 609 grants non-home rule counties the power to regulate dogs, and that on July 5, 1929, Yamhill County has declared to be a Dog Control District by vote of the electors of Yamhill County. Pursuant to the vote of the electors, and to ORS Chapter 609, Yamhill County is declared to be a Dog Control District, and is thereby declared to fall under the enforcement authority of Yamhill County.
- b) The Board further recognized and finds that the regulation of dogs is a matter of County concern, and therefore, ORS Chapter 203 provides a separate and independent legal basis upon which to enact this Chapter. Pursuant to both ORS Chapter 609 and ORS Chapter 203, the Board finds it necessary to implement a program:
- (i) For the licensing and regulation of dogs and the facilities which house them;
 - (ii) To protect the health, safety, and welfare of the residents and citizens of Yamhill County;
 - (iii) To recognize the property rights of both owners and non-owners of dogs; and
 - (iv) To provide for the control and protection of dogs located within Yamhill County.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.01.02 Purpose. This Chapter is enacted to provide a comprehensive procedure and program for the implementation of the above described policy; to set forth all requirements for licensing, regulation, care and treatment of dogs; and to describe related activities that shall be prohibited in Yamhill County. This Chapter is intended to supersede ORS Chapter 609 except as specifically provided in this Chapter, or in instances in which this Chapter does not provide a parallel rule, definition, or procedure.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.01.03 Title. This Chapter may be cited as the “Yamhill County Dog Control Code.”

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.01.04 Disposition of Fines Collected for Violations. Upon receipt of fines imposed for violations of this Chapter, the Trial Court Clerk of Yamhill County shall first deduct and retain the amount required for court fees and assessments and then remit the remaining money to the County, who shall deposit it in a designated Dog Control fund additionally, each conviction shall be accompanied by an automatic court assessment as provided in Section 4.05.14.13(b). This revenue shall be paid to Yamhill County Dog Control for implementation and administration of this Chapter

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.01.05 Application. This Chapter shall apply to all of Yamhill County except those incorporated areas within Yamhill County which have established their own dog licensing and dog control programs.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 2 - DEFINITIONS

4.05.02.01 General Definitions. As used in this Chapter, the terms defined in this section shall have the defined meanings unless the context requires otherwise. Where appropriate, words in the present tense include the future, the singular includes the plural, plural usage includes the singular, and “shall” means mandatory, not discretionary.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.02.01 Specific Definitions. As used in this Chapter:

- a) “**Animal**” has the meaning provided in ORS 167.310(3).
- b) “**Animal Rescue Entity**” means an individual or organization, including, but not limited to, a humane society, animal shelter, animal sanctuary, or animal rescue operation that keeps, houses, and maintains in its custody five or more animals and that solicits or accepts donations in any form. Excluded from this definition are a licensed kennel, a licensed veterinary facility, and any animal services agency.
- c) “**Bite**” means any tearing, abrasion, puncture, contusion, hematoma, or other damage to the skin or clothing of any person, domestic animal, or livestock by the operation of a dog's jaws and/or teeth.
- d) “**Board**” means the Yamhill County Board of Commissioners.
- e) “**Code**” means the Yamhill County Dog Control Code.
- f) “**County**” means Yamhill County.
- g) “**Dog**” means a member of the subspecies *Canis lupus familiaris* or a hybrid of that subspecies.
- h) “**Dog Control Officer**” means a person employed by or contracting with the County who is authorized to investigate violations and issue citations under this Chapter.
- i) “**Domestic Animal**” has the meaning provided in ORS 167.310(4).
- j) “**Euthanasia**” means the putting to death of an animal in any humane manner permitted under ORS 609.405.
- k) “**Holding facility (shelter)**” means a facility built and maintained by a city, a humane society, or Yamhill County for the purpose of enforcing or administering an animal or dog control program or the care and feeding of animals without owners.
- l) “**Household pet**” means a domesticated animal kept for the personal use, pleasure, and enjoyment of the owner.

- m) **“Immediate physical control”** means under close, restrained custody in immediate physical proximity (e.g., leashed).
- n) **“Impound”** or **“impoundment”** means taking physical or constructive custody of a dog. A dog shall be considered impounded from the time Dog Control staff or a law enforcement officer takes physical custody of the dog.
- o) **“Isolation (quarantine)”** means the secure restraint of a specific animal by means of a closed cage, secured fenced-in area, pound, or other approved building or facility affording such security from any other animal or person.
- p) **“Livestock”** has the meaning provided in ORS 167.310(8).
- q) **“Owner or keeper”** means any person who keeps, has custody of, possesses, harbors, or exercises control over a dog or other animal, with the exception of veterinary hospitals as defined in this Chapter, in a family situation, the head of the household is presumed to be the owner or keeper.
- r) **“Person”** means an individual, a partnership, company, association, corporation, or any other legal entity.
- s) **“Physical Injury”** has the meaning provided in ORS 167.310(10).
- t) **“Sheriff”** means the Yamhill County Sheriff, any Deputy Sheriff, or the Sheriff’s employee or designee.
- u) **“Tether”** or **“tethering”** has the meaning provided in ORS 167.310(14).
- v) **“Veterinarian”** means a practicing veterinarian, licensed pursuant to the laws of the State of Oregon, to perform any of the acts set forth in ORS 686.030.
- w) **“Veterinary hospital”** means any business establishment maintained and operated by a veterinarian for the diagnosis and treatment of diseases and injuries to animals.
- x) **“Yamhill County Dog Control”** or **“Dog Control”** means the agency or agencies designated by the Board to administer and manage the provisions of this Chapter, including where such designation is contractually assigned.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 3 - [RESERVED]

4.05.03.01 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE 707 eff 12/13/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.03.02 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE 707 eff 12/13/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 4 - ADMINISTRATION

4.05.04.01 Powers Granted Hereunder. Powers of the Sheriff. The Sheriff shall have authority under this Chapter to issue citations for, and prosecute cases of, violations of this Chapter.

- a) **Powers of Dog Control.** Yamhill County Dog Control shall have authority under this Chapter to:
 - (i) Maintain a holding facility or place of impoundment where all dogs subject to impoundment shall be safely held and provided with proper and sufficient food, water, and shelter;
 - (ii) Collect all fees and base fines specified by this Chapter;
 - (iii) Take other action necessary to reduce the damage inflicted by dogs upon livestock and other domestic animals;
 - (iv) Investigate and subpoena as needed claims against the Dog Control Fund; and
 - (v) Otherwise enforce and administer the provisions of this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.04.02 Staff Assigned to Dogs. In designating personnel to work with dogs under this Chapter, Dog Control shall consider the following criteria:

- a) Physical ability to do the work required;

- b) Previous experience working with dogs;
- c) Experience or training in the fields of law, business, or public relations; and
- d) Other relevant experience and/or training.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.04.03 Other Enforcement Officers. In addition to any other power otherwise conferred by Oregon law, a certified peace officer shall have the power to cite and prosecute violators of this Chapter and to impound dogs which have committed acts subjecting its owner or keeper to a penalty under this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.04.04 Yamhill County Health Officer. The Yamhill County Health Officer shall administer the rules and regulations of the State of Oregon relating to rabid animals and rabies control. Division 17 of the Oregon Administrative Rules, OAR 333-017-0000 *et sequent*.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01]

SECTION 5 - LICENSING OF DOGS

4.05.05.01 Licensing Required.

- a) The owner or keeper of a dog that has permanent canine teeth or that is more than six months of age shall obtain a license for the dog for a one-year period commencing at the time the dog:
 - (i) Acquires permanent canine teeth;
 - (ii) Reaches six months of age; or
 - (iii) Is present in Yamhill County for more than 30 days, whether consecutive or not.
- b) When required, a license shall be purchased from Yamhill County Dog Control, or from a sales outlet authorized under Section 4.05.05.09.
- c) The licensing anniversary date shall be the date on file of the dog’s most recent rabies inoculation, or if exempt, the date on file of the dog’s most recent exemption verification. The owner or keeper of the dog shall relicense the dog each year thereafter, on or within 30 days of its anniversary date.
- d) Yamhill County Dog Control shall keep a numbered record of all licenses issued, including information on the sex and breed of the dog; and the name and address of the dog’s owner or keeper.
- e) A license under this section is not required for a dog found in Yamhill County, if:
 - (i) The owner of the dog resides outside of Yamhill County, and
 - (ii) The dog is validly licensed in the jurisdiction where the owner resides.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.02 Reciprocal Licensing.

- a) The reciprocal licensing procedures provided in this section shall apply in the following circumstances:
 - (i) If the owner or keeper of a dog changes residence to Yamhill County while the dog is validly licensed in another Oregon jurisdiction; or
 - (ii) If ownership or possession of a dog is transferred to a resident of Yamhill County while the dog is validly licensed in another Oregon jurisdiction.
- b) Upon payment of an administrative fee provided in Appendix A, as amended by order of the Board, a person eligible for reciprocal licensing shall relinquish the valid license from the other Oregon jurisdiction and be issued a Yamhill County dog license.
- c) The licensing anniversary date of a dog receiving a reciprocal license under this subsection shall be the date on file of the dog’s most recent rabies inoculation, or if exempt, the date on file of the dog’s most recent exemption verification.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.03 Inoculation Required for Licensing. Unless otherwise exempted by law, the owner or keeper of any dog with permanent canine teeth, or that is more than six months of age, shall have that dog inoculated against rabies in accordance with current compendium recommendations. No license shall be issued for any dog unless

the applicant exhibits a certificate of such inoculation by a veterinarian, or if exempt, without written documentation that a lawful exemption applies.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.04 License Fee.

- a) A fee shall be charged for each license issued in accordance with this Section 5. The license fee is due and payable on application for a dog license.
- b) If a dog owner or keeper pays the license fee, but fails to, within thirty days of such payment, supply the County with written proof of rabies inoculation or a lawful exemption, the license fee paid shall be forfeited by the owner and retained by Yamhill County Dog Control, whereupon the buyer or adopter has thirty (30) days to provide either a copy of the rabies inoculation certificate or written documentation that a lawful exemption applies.
- c) Dog licenses shall be valid for a period of one year, two years, or three years from either the date of purchase or the rabies vaccine or exemption expiration date, as applicable, whichever comes first. In no instance may the dog license expiration exceed the rabies vaccine expiration date, or if lawfully exempt, the date on file of the dog's most recent exemption verification.
- d) The license fee charged shall be as provided in Appendix A. The Board shall review Appendix A at least annually and amend it as needed by order of the Board.
- e) The Board shall adopt separate fees in the following categories:
 - (i) For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the County;
 - (ii) For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the County, and the dog is owned by a person who is 65 years of age or older; and
 - (iii) For all other dogs.
- f) A license fee is not required for any dog that is an "assistance animal." For purposes of this section, "assistance animal" means a dog that has been individually trained to do work or perform tasks for the benefit of an individual (see ORS 659A.143 and OAR 839-006-0345). A license shall be issued for a dog that is an assistance animal upon proof of rabies vaccination (unless lawfully exempt) and filing of a certificate of training and/or medical affidavit from the dog owner or keeper showing that the dog lawfully qualifies as an assistance animal.
- g) The fees required under this section are in addition to any penalties established under this Chapter for owning or keeping a dog without a license.
- h) At their sole discretion, the Board may waive a licensing fee required under this section when such a waiver is shown to be in the best interest of the County.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE 732 eff 12/23/03; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.05 License Tag. Upon payment of the fees required by this Chapter, Yamhill County Dog Control shall issue to the owner of the dog a license tag suitable for attachment to the dog's collar. The owner of the dog shall attach the license tag to a collar on the dog and keep it on the dog at all times. If the dog is kept at all times in an enclosure or pen, the license tag may, at the option of the owner or keeper, be affixed to the enclosure or pen rather than to the collar of the dog.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.06 Lost License Tag. If a license tag is lost, the owner may obtain a duplicate license tag from Yamhill County Dog Control upon satisfactory proof of loss and payment of a fee as provided in Appendix A, as amended by order of the Board.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.07 License Tag Ownership Transfer. If the ownership of a dog which is currently licensed under this Chapter changes, the new owner shall, within thirty days, obtain from the county a transfer of the license tag upon payment of the required fee, as provided in Appendix A, as amended by order of the Board.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.08 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.09 Authority to Provide for License Outlets.

- a) Dog Control may establish licensing outlets at any business within the territorial limits of Yamhill County for the purpose of selling dog licenses. Any business participating in the program shall be entitled to retain an amount from the fee received for each license issued by the outlet to cover administrative costs. The amount that may be retained by a business participating in the program shall be as provided in Appendix A, as amended by order of the Board.
- b) Dog Control may promulgate rules for the administration of such a program.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.05.10 Failure to License; Late License Fee.

- a) Failure to License. Any owner or keeper of a dog who fails to comply with the licensing requirements provided in this section commits a Class D dog code violation.
- b) Late License Fee. A late license fee shall be assessed, as provided in Appendix A, as amended, against an owner or keeper of a dog who in any year fails to obtain a license by the date this Chapter requires that the dog be licensed. All late fees shall be paid, in addition to the license fee required under YCC 4.05.05.04, at the time of issuance of the license. The Board may establish separate categories of late fees as follows:
 - (i) For an owner or keeper who has not been cited for owning or keeping an unlicensed dog;
 - (ii) For an owner or keeper who has received a written warning or citation for owning or keeping an unlicensed dog and who thereafter obtains a license; and
 - (iii) For an owner of a licensed kennel who is cited for owning or keeping an unlicensed dog or dogs and who thereafter obtains the required license or licenses.
- c) Waiver by Sheriff. Late license fees may be waived by the Sheriff at their sole discretion.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 6 - DOG FACILITIES, KENNEL LICENSING, AND INSPECTION

4.05.06.01 Application. This Section 6 applies to all dog facilities maintained in Yamhill County, whether such facilities are denominated as kennels, holding facilities, shelters, or otherwise defined in this Section 6, and whether privately or publicly owned, if the facility houses three or more dogs. However, this Section 6 does not apply to municipal holding facilities owned and operated by municipal corporations within Yamhill County unless the municipality consents to the application of this Chapter by the execution of an intergovernmental agreement as provided for in Section 4.05.12.01.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.02 Commercial and Hobby Kennels.

- a) A “hobby kennel” is a facility in or adjacent to a private residence where a minimum of three dogs of licensable age are kept for the hobby of the householder, used for hunting herding, exhibition shows, field or obedience trails, or for the guarding and protection of property.
- b) A “commercial kennel” is a facility intended to be operated and maintained as a business for the purpose of boarding and/or the breeding, buying, selling, or bartering of dogs for profit or compensation.
- c) Yamhill County Dog Control shall determine whether a facility is commercial kennel or a hobby kennel and assess fees accordingly. Appeal from Dog Control’s determination shall be to the Board as provided in Section 4.05.06.10.
- d) The Yamhill County Department of Planning shall forward copies of any kennel or dog training facility land use application to Yamhill County Dog Control for review.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.03 Kennel License Required.

- a) No person shall operate a commercial or hobby kennel, as specified herein, without first obtaining an annual license from Yamhill County for each kennel operated. Fees required for commercial and hobby kennels shall be as provided in Appendix A, as amended by order of the Board.
- b) A late license fee shall be assessed, as provided in Appendix A, against a person who fails to renew a kennel license required under this section more than 30 days past the license expiration date. All late fees shall be paid, in addition to the annual kennel licensing fee, at the time of issuance of the renewal license.
- c) A violation of this section is a continuing violation punishable as a Class A dog code violation.
- d) At their sole discretion, the Board may waive a kennel licensing fee required under this section when such a waiver is shown to be in the best interest of the County.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.04 Land Use. The issuance of a license for a kennel facility shall not constitute approval of the land use nor be evidence of compliance with land use restrictions or regulations which may apply to operation or location of the proposed facility.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.05 License Review Procedure.

- a) Commercial Kennels. Upon receipt of an application for a commercial kennel license, or a land use application from the Yamhill County Planning Department, Yamhill County Dog Control shall inspect the facility and, upon determination that the facility and its operation complies with all applicable provisions of this Chapter and other applicable state and federal laws, shall issue a license.
- b) Hobby Kennels. A person requesting licensing of a hobby kennel shall submit with their application a signed statement affirming:
 - (i) The number of dogs the applicant has, and confirmation of each dog’s license required hereunder;
 - (ii) That the person houses his or her dogs primarily in a facility in or adjacent to a private residence;
 - (iii) That the dogs are kept for the hobby of the householder as described herein; and
 - (iv) That the applicant has no prior convictions for offenses against animals under ORS 167.305 through 167.390.
- c) Approval or Denial Deadline. Dog Control shall approve or deny an application made under this Chapter within 120 days of its receipt and the payment of the applicable fees, or the application shall be deemed approved for the current year, subject only to revocation as provided in this Section 6

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.06 Display of Commercial Kennel License.

- a) A commercial kennel license granted under this Section 6 shall be conspicuously displayed on the dog kennel facility premises.
- b) A holder of a commercial kennel license shall keep available for inspection by a Dog Control Officer:
 - (i) The name, address, and telephone number of the owner of each dog kept at the facility;
 - (ii) The date the dog was received;
 - (iii) A description of each dog including age, sex breed, and color;
 - (iv) The animal’s veterinarian, if known; and
 - (v) A record of the inoculation by a veterinarian of each animal kept in the kennel for rabies, using a modified live virus vaccine as required by Oregon law.
- c) A violation of this section is punishable as a Class B dog code violation.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.07 Standards for Licensing of Commercial Kennel Facilities. After payment of fees and inspection, Dog Control shall issue a kennel license to a facility that meets the following criteria:

- a) Those standards for facilities and health and husbandry practices specified in OAR 603-015-0040, 603-015-0045, 603-015-0050, as applicable;
- b) Housing structure shall be sound and maintained in good repair to protect dogs from injury, to confine them safely and to prevent entry of other animals;
- c) Reliable and adequate electrical service and a potable water supply shall serve the facility;

- d) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation and infection;
- e) Refrigeration shall be furnished for perishable foods;
- f) Safe and sanitary disposal facilities shall be available to eliminate animal and food waste, used bedding, dead animals, and debris, and to minimize vermin infestation, odors, and disease hazards;
- g) Cleanliness facilities shall be available to animal caretakers and handlers;
- h) In enclosed structures, the interior ambient temperature shall be maintained above 50 degrees Fahrenheit for dogs not acclimatized to lower temperatures;
- i) In enclosed structures, adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and will minimize drafts, odors, and moisture condensation. Mechanical ventilation must be available when ambient temperatures exceed 85 degrees Fahrenheit;
- j) Interior areas shall have adequate natural or artificial light and primary enclosures for dogs shall be protected from excessive illumination;
- k) Interior building surfaces shall be constructed and maintained to prevent moisture penetration;
- l) Drainage facilities shall be available to ensure rapid elimination of excess water from indoor housing facilities, and the design shall assure obstruction free flow and traps to prevent sewage backflow;
- m) Outdoor facilities shall provide protective shading and an adequate shelter area designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment;
- n) The primary enclosure shall satisfy the following requirements:
 - (i) Be of sufficient size to permit each dog housed in the facility to stand freely, sit, turn about, and lie in a comfortable, normal position;
 - (ii) No more than 12 dogs may be housed in the same primary enclosure;
 - (iii) Each dog housed in a primary enclosure shall be provided a minimum floor space equal to the mathematical square of the dog's length, as measured from the tip of its nose to the base of its tail, plus six inches; and
 - (iv) An exercise area or means to provide each dog with exercise shall be provided on the premises;
- o) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, such devices shall be installed so as to prevent entanglement with the devices of other dogs or objections and shall be fitted to the dog by a harness or well-fitted collar, other than a choke-type collar, and shall not be shorter than three times the length of the dog as measured from the tip of its nose to the base of its tail;
- p) Dogs should be feed at least once daily with a diet of nutritionally adequate and uncontaminated food;
- q) Potable water shall be continuously available unless otherwise recommended by a veterinarian in a particular situation;
- r) Cages, rooms, hard surface pens, runs and food and water in receptacles shall be sanitized to prevent disease, no less than once every two weeks, by washing with hot water and soap or detergent, by washing with a combination disinfectant and cleanser, by washing with a safe detergent followed by a safe, effective disinfectant, or by cleaning with steam;
- s) Prior to the introduction of dogs into empty enclosures previously occupied, the enclosures shall be sanitized, and dogs shall be removed from the enclosure during the cleaning process, with adequate care being taken to protect the animals in other closures; and
- t) Excrement shall be removed from primary enclosures as often as necessary to prevent contamination, reduce disease hazards and minimize odors.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.08 Denial and Revocation of License. A dog kennel license required under this Section 6 may be denied or revoked for any of the following reasons:

- a) Failure to comply substantially with any provision of this Chapter;
- b) Conviction of the owner or any person subject to his 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
- c) Furnishing false information on the application for a license under this Section 6.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.09 Right to Revoke License. Any kennel license may be summarily revoked if it was obtained by using false information and/or fees were paid with an uncollectible, forged, insufficiently funded, or other unacceptable check or commercial paper.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.10 Appeal from Denial or Revocation of License. If an application for a dog kennel license is denied, ~~or~~ approved subject to conditions, or otherwise revoked, the applicant may appeal the denial, conditional approval, or revocation to the Board no later than 15 days after the date of the decision by Dog Control. The Board shall provide a hearing for the applicant within 30 days of notice of appeal. Notice of the hearing by the Board shall be mailed to the applicant by certified mail no later than 10 days prior to the hearing. A decision by the Board resulting from an appeal under this section shall be reviewable only as provided in ORS Chapter 34.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.11 Inspection. A commercial kennel licensed under this Chapter shall be subject to inspection by a Dog Control Officer at any time for the purpose of determining compliance with this Chapter. A Dog Control Officer shall have the right to inspect the facility itself, as well as all records and other documents required to be kept by this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.06.12 Record-keeping. The owner or operator of any ~~dog~~ commercial kennel licensed under this Section shall keep records of all dogs of licensable age sold and make those records available to Yamhill County Dog Control upon request. Records of such sales shall be preserved by the owner or operator of any facility for at least 18 months following the sale.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 7 - PROHIBITED CONDUCT

4.05.07.01 Running at Large. It shall be a violation of this Chapter for the owner or keeper of a dog to permit a dog to run at large. A dog is considered to be “running at large” when it is not on the premises of the owner or keeper and is not restrained by a rope, line, leash, chain, or other similar means, or is not otherwise under the immediate physical control and command of its owner or keeper.

- a) A dog will be considered “running at large” if it is free upon a shared accessway, common area, walking area, parking lot, or other area open to physical access by the public.
- b) A dog that is being used under the supervision of a person in order to legally hunt, chase, or tree wildlife, is being used to control or protect livestock or in related agricultural activities shall not be deemed to be “running at large”. No dog in police or military service shall be considered running at large.
- c) A violation of this provision is punishable as a Class B dog code violation.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.02 Public Nuisance. It shall be a violation of this Chapter for any person to allow a dog to become a public nuisance.

- a) A dog is a “public nuisance” if it:
 - (i) Bites or nips a person or domestic animal, or its clothing or effects, unless the person is illegally assaulting the dog or the dog’s owner, or if the person provokes the dog and is illegally trespassing on premises legally occupied by the dog’s owner;
 - (ii) Chases vehicles, persons, or other animals of any kind on property that does not belong to the owner or keeper of the dog;
 - (iii) Scatters garbage;
 - (iv) Trespasses on private property of persons other than the owner or keeper of the dog;
 - (v) Disturbs a resident from each of three or more households within sight or sound of the complainant’s residence or business by excessive noise;

- (vi) Is a female in heat and running at large; or
 - (vii) Impedes or disrupts the normal flow of traffic on a public or private roadway or access way, or causes dangerous conditions thereupon, or in way becomes a traffic hazard for any length of time.
- b) A dog shall not be considered a public nuisance under this section if it barks at a person or animal trespassing on property belonging to the dog's owner.
- c) A violation of this provision is punishable as a Class A dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.03 Menacing Dog. It shall be a violation of this Chapter for any person to keep a menacing dog.

- a) A "menacing dog" is a dog which acts in a threatening manner that would cause a reasonable person to fear for the person's safety, the safety of another person, or the safety of a domestic animal or livestock, or that otherwise exposes them to possible injury or harm, regardless of whether it was done in a playful or hostile manner.
- b) A violation of this provision is punishable as a Class A dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.04 Dangerous Dog. It shall be a violation of this Chapter for any person to keep a dangerous dog.

- a) A "dangerous dog" means:
- (i) A dog that causes physical injury to and/or kills a human being, livestock, or a domestic animal without serious provocation;
 - (ii) A dog that law enforcement records indicate has previously caused injury to a human without provocation or has injured or killed a domestic animal or livestock while off the property of its owner or keeper;
 - (iii) A dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
 - (iv) A menacing dog, as defined under Section 4.05.07.03, that is also out of the immediate physical control of its owner or keeper; or
 - (v) Any dog having a demeanor, fault, flaw, or defect that causes it to act in an unreasonably aggressive manner.
- b) A violation of this provision is punishable as a Class A dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.05 Destruction of Property. It shall be a violation of this Chapter for the owner or keeper of a dog to allow the dog to damage or destroy property, including livestock or a domestic pet, that does not belong to the owner or keeper of the dog. A violation of this provision is punishable as a Class B dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.06 Failure to Inoculate. It shall be a violation of this Chapter for any person to fail to inoculate a dog against rabies, unless inoculation is otherwise exempted by law. A violation of this provision is punishable as a Class B dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.07 Unlawful Tethering. It shall be a violation of this Chapter for the owner or keeper of a dog to unlawfully tether the dog.

a) An "unlawfully tethered dog" means:

- (i) Tethering and leaving a dog unattended on public property; or
- (ii) Tethers a dog in violation of ORS 167.343.

b) A violation of this provision is punishable as a Class B dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.08 Dog Waste. It shall be a violation of this Chapter for any owner or keeper of a dog to fail to immediately remove the dog's fecal or other visible solid waste from property other than the owner's or keeper's property. A violation of this provision is punishable as a Class B dog code violation.
 [ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.09 Hindering Impoundment. It shall be a violation of this Chapter for any person to hinder or otherwise interfere with the apprehension or impoundment of any dog by a Dog Control Officer or any other certified peace officer.

a) It is not a defense to prosecution under this section that the citing Dog Control Officer, or the certified peace officer where applicable, lacked legal authority to impound or apprehend the dog, provided the citing Dog Control Officer or certified peace officer was acting under color of official authority.

b) A violation of this provision is punishable as a Class A dog code violation.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.07.10 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE 708 eff 12/20/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 8 - IMPOUNDMENT OF DOGS

4.05.08.01 Dog Control Facilities. Yamhill County Dog Control shall establish and maintain adequate and humane facilities to store and keep dogs. This facility shall be open to the public at reasonable posted hours.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.02 When a Dog May be Impounded.

a) In addition to impoundments otherwise required under ORS 609, a dog may be impounded by a Dog Control Officer, or other authorized agent of Dog Control, if:

- (i) The County has custody of the dog, regardless of known ownership status;
- (ii) The dog's owner has delivered the dog to the County and has signed a statement surrendering (releasing) the dog to Yamhill County;
- (iii) The dog requires protective custody and care;
- (iv) The dog is being cited for being dangerous;
- (v) The dog has been previously convicted of being menacing and/or dangerous, and is subsequently found to be outside the immediate physical control of an owner or keeper in violation of this Chapter;
- (vi) The County has probable cause to believe the dog has bitten a person or animal; or
- (vii) The dog has been-ordered impounded by the court.

b) The owner or keeper of a dog may be held liable for a dog's room and board, and any veterinary fees, resulting from an impoundment under this section.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.03 Disposition or Destruction of Impounded Dogs. Any dog which has been impounded under this Chapter which, by reason of injury, disease, or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed immediately. Dog Control may request a veterinarian to certify this fact in writing before such immediate destruction is undertaken. Any other dog impounded under this Chapter, that is not otherwise pending legal resolution, may be disposed of by adoption, relocation, euthanasia, or other method after 15 days impoundment.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.04 Notice of Impoundment.

a) Whenever any dog is impounded which bears an identification of ownership, Dog Control shall make a reasonable effort within 24 hours of identification of the suspected owner or keeper, by telephone, to give notice of the impoundment of the dog to its owner and, if unsuccessful, shall mail written notice by first class and certified mail within 72 hours of impoundment to the last known address of record of the owner, advising

of the impoundment, the date by which redemption must be made, and the fees to be paid prior to redemption and release.

- b) No notice is required for surrendered (released) dogs or for impoundments resulting from violations of this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.05 Period of Impoundment.

- a) An impounded dog whose owner cannot be determined by license or other identification may be sold or destroyed, in a manner consistent with this Chapter, if not redeemed within five working days of impoundment.
- b) An impounded dog whose owner can be determined by license or other identification may be sold or destroyed, in a manner consistent with this Chapter, if not redeemed within seven days after notice of impoundment is mailed to the suspected owner or keeper.
- c) A surrendered (released) dog may be disposed of immediately by adoption, relocation, or disposition, or under specific terms of surrender of the dog that have been accepted by Dog Control at the time of surrender and release.
- d) A dog that is impounded because it has bitten a person and it cannot be demonstrated by clear and convincing evidence that the dog has a valid and effective rabies inoculation as required by state law or because it is suspected of having rabies, shall be quarantined in a suitable holding facility for so long as is necessary to observe the dog for the required 10-day period to determine whether the dog is infected with or a carrier of rabies.
- e) A dog that is impounded because it has bitten a person and is suspected of being dangerous under Section 4.05.07.04 may be held until trial or other disposition of the charges, or until the court orders otherwise.
- f) If the County, or a licensed veterinarian, determines that an impounded dog is not rabid, the animal may be released to its lawful owner, if known, without charge, provided no citation has been issued warranting continue impoundment of the dog. The rules regarding the release of a dog from quarantine are found in the Oregon Administrative Rules, OAR 333-017-0000 *et sequent*. A dog found to be rabid shall be destroyed in a manner consistent with state law.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.06 Determination of Impoundment Period. Any period of time specified in this Chapter for the keeping of an impounded dog shall not include:

- a) Sundays;
- b) Legal holidays;
- c) Days on which the facilities at which the dog is being held are not open for business;
- d) The day the animal is impounded; or
- e) The day on which the dog is released or euthanized.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.07 Disposition of Surrendered (Released) Dogs. If the owner of a dog, or the owner's authorized representative, releases the dog to Yamhill County Dog Control in writing, Dog Control may sell or destroy the dog in a manner consistent with this Chapter and with the written release. Dog Control may charge a for the acceptance of a dog by Dog Control under this section-, as provided in Appendix A.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE 732 eff 12/23/03; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.08 Disposition of Impounded Dogs.

- a) Upon the expiration of the impoundment period specified in this Chapter, and unless otherwise ordered by the court, Yamhill County Dog Control may have the dog destroyed, given, traded, or sold to another party.
- b) If the owner of an impounded dog is unknown or if the owner has executed a release as permitted herein, Yamhill County Dog Control shall determine proper disposition of the dog. In determining proper disposition of the impounded dog, Dog Control may consider:
 - (i) The temperament, health, age, and breed of the dog;
 - (ii) The ability of any person requesting custody of the dog to provide proper care; and

- (iii) Other factors relevant to the health safety, and welfare of the public and the dog.
- c) If the dog is sold to another party, a new license must be obtained as provided under Section 4.05.05. Failure of the new owner to license the dog or produce an inoculation certificate within 30 days shall subject the new owner to liability under Sections 4.05.05.
- d) If Yamhill County Dog Control determines that a dog impounded hereunder is not rabid, the dog shall be released to its owner, if known, without charge, provided no citation has been issued warranting continued impoundment of the dog. A dog determined by Dog Control or a veterinarian to be rabid or a carrier of rabies shall be destroyed in a manner consistent with state law.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.09 Redemption; Failure to Redeem.

- a) Redemption Fee. Except as otherwise provided herein a dog impounded under this Chapter shall be released to its owner upon payment of the redemption fees. Redemption fees shall include a basic impoundment charge and any boarding charges applicable and may include an additional fee for a dog that is being impounded a second or subsequent time within 12-month period. These fees and charges shall be as provided in Appendix A, as amended by order of the Board.
- b) Failure to Redeem. If, after receiving notice as required under this section, an owner fails to redeem an impounded dog after the period of impoundment has expired, the owner commits a Class A dog code violation and may be prosecuted as provided in this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.10 Right of Entry onto Private Property.

- a) When a Dog Control Officer has probable cause to believe that a provision of this Chapter has been violated, the Dog Control Officer shall have the right to enter onto private land without permission in order to secure evidence or cite an owner or keeper but shall not enter into any dwelling or building without permission, authorization, or search warrant.
- b) A Dog Control Officer shall have the right to enter upon private property for the purpose of securing possession and impounding dog for reasons specified by this Chapter, and shall not be subject, civilly or criminally, to trespass.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.11 Transfer of Title. If Yamhill County Dog Control sells a dog, pursuant to this Chapter, to any person other than the person who owned the dog when it was impounded, full and complete title to the dog shall vest in the new owner and the prior owner or any other third person shall be foreclosed from any right, title, or interest in the dog.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.08.12 Right of Dog Control Officer or Certified Peace Officer to Request Impoundment. A Dog Control Officer or a certified peace officer may request an impounded dog be held until the disposition or adjudication of any citations, civil claim, or criminal charges.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 9 - DISPOSITION OF LICENSE FEES AND FINES

4.05.09.01 Dog Control Fund. All license fees, impoundment costs, late charges, base fines, and other money collected pursuant to this Chapter shall be deposited in the Yamhill County Dog Control Fund unless otherwise provided by this Chapter.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.09.02 Disposition of Dog Control Fund. Yamhill County Dog Control shall administer the Dog Control Fund and pay out of the fund all costs of administering and enforcing this Chapter and all livestock claims allowed

pursuant to this Chapter. Any surplus funds may be set aside for necessary improvements to the County facility and/or for control of feral, predatory, and nuisance animals.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.09.03 Rabies Outbreak. In the event of a rabies outbreak within Yamhill County, Dog Control may use the Dog Control Fund as necessary to purchase rabies vaccines for administering to animals under the direction of state and local health officers.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 10 - [RESERVED]

4.05.10.01 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.10.02 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.10.03 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 11 - DOGS THAT KILL OR INJURE LIVESTOCK

4.05.11.01 Impoundment for Killing or Injuring Livestock. Yamhill County Dog Control shall impound a dog engaged in killing, wounding, injuring, or chasing livestock in accordance with ORS 609.155.

a) Nothing in this Chapter is intended to affect the right of an owner of livestock killed or wounded by a dog to summarily kill that dog under circumstances specified in ORS 609.150.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.11.02 Hearing by Board of Commissioners.

a) Opportunity to Request Hearing. Prior to making a determination whether a dog has killed, wounded, injured, or chased livestock under Section 4.05.11.01, Dog Control shall provide an opportunity for the dog owner to receive a hearing. Dog Control shall send written notice, via first class and certified mail, to the dog owner apprising them of:

- (i) The specific behavior alleged by Yamhill County Dog Control and a description of the incident that caused law enforcement officers to impound the dog;
- (ii) A description of the possible penalties if the dog is determined by Yamhill County Dog Control to have engaged in the alleged behavior;
- (iii) An explanation that the owner may request a public hearing pursuant to YCC 4.05.11.02; and
- (iv) Clarification that a request for a public hearing must be received by Yamhill County Dog Control no later than the 14th day following the date of the notice.

b) Hearing Procedures. The procedure for hearing by the Board of Commissioners of a claim that a dog has been engaged in killing, wounding, injuring, or chasing livestock shall be as specified in ORS 609.1558. Clear and convincing evidence shall be necessary to sustain a claim that a dog has been engaged in killing, wounding, injuring, or chasing livestock.

c) Remedial Measures. If the Board determines after a full and fair hearing, or if Dog Control determines when no hearing has been requested, that a dog has engaged in killing, wounding, injuring, or chasing livestock, the Board, or Dog Control where applicable, shall take action only in accordance with ORS 609.162 - 609.169.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.11.03 Disputable Presumption. Nothing in this Chapter is intended to affect the disputable presumption that a dog has been engaged in killing, wounding, injuring, or chasing livestock contained in ORS 609.161, or the prohibition on harboring a dog with knowledge that it has killed or injured livestock contained in ORS 609.169. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.11.04 Claims by Owner of Livestock. An owner of livestock killed by a dog may submit a claim to the County in accordance with the provisions of ORS 609.170 – 609.190. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff. 02/27/25]

SECTION 12 - AUTHORITY TO CONTRACT WITH OTHER GOVERNMENTS

4.05.12.01 Intergovernmental Agreements. The Board of Commissioners may enter into intergovernmental agreements with any or all of the cities in Yamhill County to further the purposes of this Chapter. Any such agreement shall require the city to enact a dog control ordinance to subject all dogs within the city to the licensing requirements of this Chapter and provide for substantially the same violations and penalties as provided in this Chapter. The governing body of the city may consent to the application of this Chapter within its boundaries. An agreement may also provide for the sharing of revenues from the Dog Control Fund for the purpose of effective dog control within Yamhill County. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 13 - ENACTMENT PROVISIONS

4.05.13.01 Relation to Other Laws. Except as expressly provided herein, this Chapter shall not be a substitute for or eliminate the necessity of conforming with all state and federal laws, rules and regulations, and any local regulations which are now, or may in the future be in effect relating to the requirements of this Chapter. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.13.02 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of this Chapter is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 14 - ENFORCEMENT

4.05.14.01 Enforcement Generally.

- a) Initiating Enforcement Action. Enforcement of a violation of this Chapter may be instituted by a Dog Control Officer, or other certified peace officer authorized herein, in accordance with this Section 14. Upon receipt of a complaint by a private citizen, the complaint is sufficient cause for a Dog Control Officer to investigate whether an owner or keeper of a dog has violated the provisions of this Chapter.
- b) Manner of Citation. A Uniform Dog Control Citation, conforming to the requirements of Section 4.05.14.02, shall be used for all dog control violations committed in the presence of the complainant and which occur within the areas of Yamhill County covered by this Chapter. [ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.02 Uniform Dog Control Citation.

- a) The Uniform Dog Control Citation shall conform to the requirements of ORS 153.045.
- b) Each of the parts required under ORS 153.045 may also contain any identifying and additional information necessary for Yamhill County Dog Control to administer this Chapter, such as whether the violation is a continuing violation or whether the dog or owner is a repeat offender.

4.05.14.03 Amendment to a Uniform Dog Control Citation. Any error in transcribing on the Uniform Dog Control Citation form, when determined by the court to be nonprejudicial to the defendant, may be corrected at the time of trial or prior to trial, with notice being given to the defendant. The court may amend a citation at its discretion, in the interest of justice.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.04 Time to Raise Errors on Citation. Except as provided in Section 4.05.14.03, the complaint shall be set aside by the court for failure to conform to this section, only upon the proper written motion of the defendant, before plea.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.05 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.06 Service of Citation. The citation shall be served on the owner or keeper of the dog or facility in violation of this Chapter by either:

- a) Personal service; or
- b) Regular and certified mail, with return receipt requested.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.07 Prosecution. The Yamhill County Counsel, Yamhill County District Attorney, and the citing Dog Control Officer are each hereby granted authority to prosecute a person cited for violation of this Chapter. All prosecutions shall be brought in Yamhill County Circuit Court.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.08 Appearance by Defendant.

- a) The defendant shall appear in court at the time indicated in the citation and summons.
- b) A defendant who has been issued a citation under this Chapter may make a first appearance in the matter before the time indicated in the citation and summons by:
 - (i) Entering a plea of no contest with the courts via in person, electronic, or telephonic means; and
 - (ii) Delivering to the court a check or money order in the amount of the “presumptive fine” set forth in Section 4.05.14.13.
- c) If the defendant does not appear in court at the time indicated in the summons, the court shall enter a default judgment against the defendant in an amount equal to the “maximum fine” set forth in Section 4.05.14.13, together with court costs, administrative fees, and any special costs otherwise permitted by law.
- d) If the defendant requests a trial, the court shall fix a date and time for a trial in accordance with ORS 153.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.09 Trial Proceedings.

- a) A trial on any violation shall be tried to the court sitting without jury.
- b) The County shall have the burden of proof of the alleged violation by a preponderance of the evidence.
- c) The pretrial discovery rules in ORS 135.805 to 135.873 shall apply.
- d) The defendant may not be required to be a witness in the hearing.
- e) Defense Counsel shall not be provided at public expense.
- f) Proof of a culpable mental state is not an element of a violation unless expressly provided in the Code alleged to have been violated.
- g) The District Attorney or County Counsel may aid in preparing evidence and obtaining witnesses but, except upon good cause shown to the court, shall not appear in violation proceedings unless counsel for the defendant appears. The court shall ensure that the District Attorney or County Counsel is given timely notice if defense counsel is to appear at trial.

- h) Notwithstanding any other provisions of law, the court may admit as evidence in any trial in a violation proceeding the affidavit or declaration of a witness in lieu of taking the testimony of the witness orally and in court, subject to the limitations set forth in ORS 153.080
- i) In any trial in which the District Attorney or County Counsel does not appear, the citing Dog Control Officer may present evidence, examine, and cross-examine witnesses, and make arguments relating to:
 - (i) The application of statutes and rules to the facts in the case;
 - (ii) The literal meaning of the statutes or rules at issue in the case;
 - (iii) The admissibility of evidence; and
 - (iv) Proper procedures to be used in the trial.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.10 Failure of Defendant to Appear. At the discretion of the County, if a person cited and notified of a court appearance as provided in this Chapter fails to appear at either the initial appearance noticed on the summons or at a subsequent trial scheduled by the court, a complaint or information may be filed charging the defendant with failure to appear on a citation, a Class A misdemeanor pursuant to ORS 153.992. The complaint or information may be accompanied by a warrant for the arrest of the defendant.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.11 Continuing Violation. A continuing violation of this Chapter shall constitute a nuisance and, at the option of Yamhill County Dog Control, may be abated pursuant to law. In the alternative, a continuing violation may result in an additional base fine not to exceed \$1,000 per day violation as well as the fines imposed under Section 4.05.14.13.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.12 Habitual Offender Status.

- a) A dog owner or keeper shall be deemed to be a “habitual offender” if they have been found guilty of, or have pleaded guilty or no contest to, any combination of three or more violations of this Chapter.
- b) If a defendant is found to be a habitual offender as provided herein, the court may, at its discretion, impose an additional fine of up to \$1,000.
- c) A person deemed to be a habitual offender may, by order of the court, lose the right to own any dog(s) while living in Yamhill County.
- d) In addition to other sanctions described in this Chapter, a habitual offender may be subject to the following restrictions:
 - (i) Allowance for law enforcement inquiries and/or inspections to ensure compliance with a court order;
 - (ii) Immediate removal by law enforcement of any dog found to be in the care of an owner or keeper in violation of a court order; and/or
 - (iii) Loss of the right to own any dog(s) while living in Yamhill County.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.14.13 Penalties.

- a) Fines. Any person or entity found to have violated a provision of this Chapter shall be subject to the following fines:
 - (i) *Minimum Fines.*
 1. **Class A Dog Code Violation.** The minimum fine for a Class A dog code violation under this Chapter is as provided in ORS 153.021(a).
 2. **Class B Dog Code Violation.** The minimum fine for a Class B dog code violation under this Chapter is as provided in ORS 153.021(b).
 3. **Class C Dog Code Violation.** The minimum fine for a Class C dog code violation under this Chapter is as provided in ORS 153.021(c).
 4. **Class D Dog Code Violation.** The minimum fine for a Class D dog code violation under this Chapter is as provided in ORS 153.021(d).

- (ii) *Maximum Fines.*
 1. ***Class A Dog Code Violation.*** The maximum fine for a Class A dog code violation under this Chapter is as provided in ORS 153.018(a).
 2. ***Class B Dog Code Violation.*** The maximum fine for a Class B dog code violation under this Chapter is as provided in ORS 153. 018(b).
 3. ***Class C Dog Code Violation.*** The maximum fine for a Class C dog code violation under this Chapter is as provided in ORS 153. 018(c).
 4. ***Class D Dog Code Violation.*** The maximum fine for a Class D dog code violation under this Chapter is as provided in ORS 153. 018(d).
- (iii) *Presumptive Fines.*
 1. ***Class A Dog Code Violation.*** The presumptive fine for a Class A dog code violation under this Chapter is as provided in ORS 153.019(a).
 2. ***Class B Dog Code Violation.*** The presumptive fine for a Class B dog code violation under this Chapter is as provided in ORS 153. 019(b).
 3. ***Class C Dog Code Violation.*** The presumptive fine for a Class C dog code violation under this Chapter is as provided in ORS 153. 019(c).
 4. ***Class D Dog Code Violation.*** The presumptive fine for a Class D dog code violation under this Chapter is as provided in ORS 153. 019(d).
- b) Court Fee. In addition to the fine provided in subsection (a), a conviction under this Chapter shall be accompanied by an automatic court assessment of \$100. This revenue shall be paid to Yamhill County Dog Control for maintenance, upgrade, or purchase of buildings, vehicles, equipment, or personnel expenses associated with dog control in Yamhill County.
- c) Disposition of a Dog.
 - (i) In addition to other sanctions allowed by law, if the dog has been found to be menacing or dangerous, or has been found to be a habitual offender or public nuisance as defined in this Chapter, the court may order whatever disposition of the dog that the court considers advisable or necessary for the safety, health, or protection of the public, including euthanasia of the dog.
 - (ii) In its order of disposition, the court shall include written findings of the factors described in ORS 609.093.
 - (iii) Subject to advance payment of the cost of keeping the dog in impoundment, the disposition of a dog pursuant to an order under this subsection (c) may not be carried out during the period that the order is subject to the appeal process.
 - (iv) If a court orders disposition under this subsection (c), and the dog owner or keeper does not make the dog available for that purpose, the court may issue a search warrant for a property upon probable cause to believe that the dog is located at that property.
- d) Additional Restrictions. In addition to other sanctions allowed by law, the court may impose reasonable restrictions on the keeping of a dog found to be in violation of this Chapter to ensure the safety or health of the public. The dog owner or keeper shall pay the cost of complying with the reasonable restrictions imposed by the court under this subsection (d).
- e) Restitution. When a person is convicted of a violation under this Chapter that has resulted in economic damages to a victim, the County may, at the time of sentencing, request restitution on behalf of the victim. If the court finds from the evidence presented that a victim suffered economic damages, in addition to any other sanction it may impose, the court may enter a judgment or supplemental judgment requiring that the defendant pay the victim restitution in a specific amount that equals the full amount of the victim’s economic damages as determined by the court. When entered in accordance with law, such judgment creates a judgment lien (see ORS 18.042 and ORS 18.150).
- f) Boarding Charges for Impounded Dogs. In addition to other sanctions allowed by law, the court may require that the defendant pay all boarding charges (including veterinary charges) that have accrued while the owner’s dog was impounded pending trial or other disposition. When entered in accordance with law, such judgment creates a judgment lien (see ORS 18.042 and ORS 18.150).

- g) Separate and Distinct. The penalties described in this section shall be in addition to any charges assessed against the owner or the keeper of a dog for the licensing, impoundment, and maintenance of the dog under this Chapter.

[ADOPTED VIA ORDINANCE NO. 942 eff 02/27/25]

SECTION 15 - CONDITIONS OF OWNERSHIP

4.05.15.01 Menacing Dog Conviction: Conditions of Ownership. A dog found guilty of menacing under Section 4.05.07.03 must henceforth abide by the following conditions:

- a) When outside the owner or keeper's house, the dog shall be restrained by a physical device or structure in good repair that would present the dog from reaching any public walkway or adjoining properties and not interfere with the legal access to the owner or keeper's property.
- b) When off the property of owner or keeper, the dog shall be on a leash and under the immediate physical control of a person who could reasonably be expected to be able to keep the dog under control.
- c) The owner or keeper shall post their property with two or more clearly visible signs declaring, "Beware of Dog", or other such recognized signs for the safety of others.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.15.02 Dangerous Dog Conviction: Conditions of Ownership. A dog found guilty of being dangerous under Section 4.05.07.04 must henceforth abide by the following conditions:

- a) When on the owner or keeper's property, the dog shall:
 - (i) Be kept securely confined indoors or in a securely enclosed and locked pen or structure in good repair. That pen or structure must have minimum dimensions of five feet by ten feet and have a cement floor, and a secure covering over the structure or pen that could reasonably keep that particular dog in its confined area and young children out. The owner or keeper must also provide the dog with proper shelter for the health and welfare of the dog that would meet standards year-round in this area.
 - (ii) That structure or pen must be enclosed behind a securely locked fence in good repair which fully surrounds said structure or pen, and is of proper height for that particular dog, to act as secondary source of confinement to guarantee the safety of humans or other domestic animals should the dog escape the primary confinement area.
 - (iii) Said dog may not be confined within ten feet of a property line unless behind a solid six feet wood fence in good repair to protect both the confined animal and outside humans or domestic animals, and still must meet the requirements in subsection (i).
 - (iv) The property must be posted with enough signs to assure that anyone entering on the property or near where the dog is kept can be duly warned.
- b) When off the property of the owner or keeper, the dog shall be on a leash that could reasonably hold that particular dog and that does not exceed six feet in length, the dog shall be under the immediate physical control of an adult who could guarantee control of said dog, and in some cases, the dog may be required to wear a recognized muzzle.
- c) When in a vehicle, the dog shall be confined inside an enclosed portion of the vehicle or in a canopy that is in good repair and that can reasonably hold that particular dog. The dog may also be kept inside a crate of proper size and strength that is in good repair and that can reasonably hold that particular dog.
- d) When being transported in a vehicle, the dog should not have any opening large enough to stick its head outside of its confinement outside the immediate custody of an adult human who can control the dog.
- e) Law enforcement personnel may make inquiries or inspect any portion of confinement required under this Chapter at any time to assure that the owner or keeper of a menacing or dangerous dog(s) is keeping up the requirements as ordered in these sections.

- f) Any dog having been deemed a dangerous dog hereunder may not be sold or given away to anyone but a recognized law enforcement dog control facility, and all rights to the dog will be forfeited upon receipt of said dog.
- g) Upon order of the court, an owner or keeper a dog may be required to obtain and maintain a separate insurance policy if the dog is found to be dangerous, for as long as the dog lives, with limits of not less than \$25,000 and not more than \$50,000.
- h) Any dog designated as dangerous may be destroyed if so ordered by the court, or if the owner or keeper is unwilling or unable to comply with the regulations or the judgment, as applicable, or if the owner or keeper of said dog releases all rights to Yamhill County Dog Control.
- i) Any dog cited as dangerous may be picked up and lodged at a holding facility until such time as the case has a disposition and/or confinement conditions are met to the satisfaction of law enforcement personnel. The owner or keeper may be held liable for the dog's room and board during this period.
- j) Any dog allowed or encouraged to act in a menacing or dangerous manner outside of confinement as listed in this Chapter, may be removed by law enforcement personal and kept at a holding facility until such time as a judge or the dog board decides the disposition of said dog.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.15.03 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.15.04 Habitual Offender Status: Conditions of Ownership. Any dog having been found/pled guilty of habitual offender may be subject to the following conditions of confinement:

- a) When outside the owner or keeper's house, the dog shall be restrained by a physical device or structure in good repair that would present the dog from reaching any public walkway or adjoining properties and not interfere with the legal access to the owner or keeper's property.
- b) When off the property of owner or keeper, the dog shall be on a leash and under the immediate physical control of a person who could reasonably be expected to be able to keep the dog under control.
- c) The owner or keeper shall post their property with two or more clearly visible signs declaring "Beware of Dog" or other such recognized signs for the safety of others.

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; AMENDED VIA ORDINANCE NO. 942 eff 02/27/25]

4.05.15.05 [REPEALED]

[ADOPTED VIA ORDINANCE NO. 692 eff 07/12/01; REPEALED VIA ORDINANCE NO. 942 eff 02/27/25]

LEGISLATIVE HISTORY

Adopted via Ordinance No. 150 on 01/18/1978, effective 01/18/1978

Amended via Ordinance No. 168 on 04/26/1978, effective 04/26/1978

Amended via Ordinance No. 188 on 11/22/1978, effective 11/22/1978

Repealed via Ordinance No. 274 on 08/26/1981, effective 08/26/1981

Adopted via Ordinance No. 274 on 08/26/1981, effective 08/26/1981

Amended via Ordinance No. 285 on 11/04/1981, effective 11/04/1981

Amended via Ordinance No. 361 on 11/09/1983, effective 11/09/1983

Amended via Ordinance No. 366a on 12/07/1983, effective 12/07/1983

Amended via Ordinance No. 403 on 02/13/1985, effective 02/13/1985

Amended via Ordinance No. 422 on 12/04/1985, effective 01/01/1986

Repealed via Ordinance No. 449 on 09/02/1987, effective 09/02/1987

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Amended via Ordinance No. 544 on 12/09/1992, effective 12/09/1992
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Amended via Ordinance No. 707 on 12/13/2001, effective 12/13/2001
Amended via Ordinance No. 708 on 12/20/2001, effective 12/20/2001
Amended via Ordinance No. 732 on 12/23/2003, effective 12/23/2003
Amended via Ordinance No. 771 on 06/29/2005, effective 06/29/2005
Amended via Board Order No. 07-340 on 04/25/2007, effective 04/24/2007
Amended via Ordinance No. 942 on 02/27/2025, effective 02/27/2025

APPENDIX A: DOG CONTROL FEES

[ADOPTED VIA BOARD ORDER NO. 25-055 eff 02/27/25]

DOG LICENSING

- Reciprocal License Transfer Fee (YCC 4.05.05.02).....\$5
- Yearly License Fee (YCC 4.05.05.04)
 - Spayed or neutered dog with veterinarian certificate\$25
 - Spayed or neutered dog with veterinarian certificate owned by a person 65 or older.....\$15
 - All other dogs (fertile)\$35
- Two-Year License Fee (YCC 4.05.05.04)
 - Spayed or neutered dog with veterinarian certificate\$45
 - Spayed or neutered dog with veterinarian certificate owned by a person 65 or older.....\$25
 - All other dogs (fertile)\$65
- Three-Year License Fee (YCC 4.05.05.04)
 - Spayed or neutered dog with veterinarian certificate\$60
 - Spayed or neutered dog with veterinarian certificate owned by a person 65 or older.....\$30
 - All other dogs (fertile)\$90
- Assistance Animal License (YCC 4.05.05.04(d)-(e)).....\$0
- Lost Dog License Tag Fee (YCC 4.05.05.06)\$5
- License Tag Ownership Transfer Fee (YCC 4.05.05.07)\$5
- Late License Fee (YCC 4.05.05.10)
 - If no citation has been issuedadd ½ yearly license fee
 - If citation has been issuedadd double yearly license fee

AUTHORIZED SALES OUTLET

- Amount That May be Retained by License Outlets (YCC 4.05.05.09).....\$2

KENNEL LICENSING

- Commercial Licensing Annual Fee (YCC 4.05.06.02(a))\$1,000
- Hobby Licensing Annual Fee (YCC 4.05.06.02(a)).....\$250
- Late License Fee (YCC 4.05.06.02(c)).....add \$100

ANIMAL SURRENDERED TO DOG CONTROL

- Fee to Surrender (Release) a Dog (YCC 4.05.08.07)\$50

IMPOUNDMENT REDEMPTION FEES

- Standard Dog Impoundment Redemption Fee (YCC 4.05.08.09).....\$50
- Second Dog Impoundment Redemption Fee within 12-month Period (YCC 4.05.08.09).....\$100
- Third+ Dog Impoundment Redemption Fee within 12-month Period (YCC 4.05.08.09).....\$200
- Boarding Fees Per Day (YCC 4.05.08.09)\$25