



YAMHILL COUNTY
Dog Control
Ordinance
Nº 150

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YAMHILL COUNTY, OREGON

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YAMHILL COUNTY DOG CONTROL ORDINANCE

ORDINANCE NO. 150

JANUARY 1978

YAMHILL COUNTY DOG CONTROL ORDINANCE

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1 IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

2 FOR THE COUNTY OF YAMHILL

3 (Sitting for the Transaction of County Business)

4 An Ordinance Providing for the Licensing)
and Regulating Conduct, Care and Treatment) : ORDINANCE NO. 150
5 of Certain Animals; Prohibiting Activities;)
6 Establishing Procedures; Providing Penalties.)

7 The Board of County Commissioners of Yamhill County, Oregon, ordains as
8 follows:

9 SECTION 1. POLICY, PURPOSE AND TITLE.

10 1. 1 POLICY. The Board of County Commissioners of Yamhill County,
11 recognizing that 1977 Oregon Laws, Chapter 802, grants non-home-rule Counties
12 the power to regulate dogs by Ordinance, and the Board finds it necessary to
13 establish and implement a program for the licensing and regulation of dogs and
14 the facilities which house them: for the purpose of protecting the health, safe-
15 ty and welfare of the residents and citizens of Yamhill County; to recognize the
16 need to protect the property rights of both owners and non-owners of dogs; and
17 to provide for the control and protection of dogs located within the County, the
18 Board does hereby enact this Ordinance.

19 1.2 PURPOSE. This Ordinance is enacted in order to provide a procedure
20 and program for the implementation of the policy above-described; to set forth
21 the requirements for licensing, regulation, care and treatment of dogs; to de-
22 scribe the activities in relation thereto which shall be prohibited in Yamhill
23 County; and consistent with the declaration of July 5, 1929, in which Yamhill
24 County was declared to be a Dog Control District by a vote of the electors of
25 Yamhill County, and pursuant to Chapter 802, Oregon Laws 1977, Yamhill County is
26 hereby declared to be a Dog Control District.

1 1.3 TITLE. This Ordinance shall be known as the "Dog Control Ordinance".

2 SECTION 2. DEFINITIONS.

3 2.1 GENERAL DEFINITIONS. As used in this Ordinance, the terms defined
4 in this section shall have the defined meanings unless the context requires
5 otherwise; words in the present tense include the future; the singular includes
6 the plural; plural usage includes the singular; "shall" means mandatory, not
7 directory; and the masculine gender includes the feminine.

8 2.2 SPECIFIC DEFINITIONS. As used in this Ordinance:

9 (a) "animal" means any mammal, bird, reptile, or amphibian.

10 (b) "bail" means money or its equivalent deposited by a defendant to
11 secure his appearance in Court for a Dog Control offense.

12 (c) "barking dog" means any dog that disturbs any person by frequent
13 or prolonged noises.

14 (d) "dog" means any mammal of the canine family.

15 (e) "Dog Control Board" means the Board created pursuant to this Ordi-
16 nance and appointed by the Yamhill County Board of Commissioners for the purpose
17 of administering and enforcing dog control in Yamhill County.

18 (f) "dog facility" means any site where four or more dogs of licensable
19 age are kept, whether such animals are the property of the site owner or other
20 persons, provided, however, dogs kept as household pets shall not be counted for
21 the purpose of determining whether a "dog facility" exists.

22 (g) "dog running at large" means a dog off or outside of the premises
23 of the owner, not restrained by a rope, line, leash, chain or other similar
24 means, or not under the immediate control and command of an owner thereof. If
25 a dog is not restrained by a tether of some kind, is not at heel or not a work-
26 ing dog in the field, that dog shall be deemed "at large".

1 (h) "dog license" means that license required to be issued annually for
2 each individual dog, pursuant to the provisions of this Ordinance.

3 (i) "holding facility (shelter)" means a facility built and maintained
4 by a city or Yamhill County, for the purpose of enforcing or administering an
5 animal or dog control program.

6 (j) "household pet" means an animal kept primarily for the personal
7 pleasure and enjoyment of the owner.

8 (k) "isolation" means the secure restraint of a specific animal by means
9 of a strong metal leash, closed cage, secured fenced-in area, pound or other
10 approved building or facility affording such security from any other animal or
11 person.

12 (l) "Humane Society" means an official or employee of Yamhill County
13 Humane Society, or of the Oregon Humane Society, Inc., an Oregon non-profit
14 corporation, commissioned as a special agent by the Governor's Office of the
15 State of Oregon, for the purpose of the prevention of cruelty to animals in the
16 enforcement of anti-cruelty animal statutes.

17 (m) "kennel" means a site providing for the accommodation of four or
18 more dogs, cats, or other household pets of at least four months of age, such
19 animals being kept for board, propagation, training or sale.

20 (n) "livestock" means horses, mules, jackasses, cattle, sheep, goats,
21 swine, domesticated fowl, and any fur-bearing animal bred and maintained com-
22 mercially or otherwise, within pens, cages and hutches.

23 (o) "owner" or "keeper" means any person who keeps, has custody of,
24 possesses, harbors or exercises control over a dog or other animal, with the
25 exception of veterinarian hospitals, as defined in this Ordinance. In a family
26 situation, such person is presumed to be the head of the household.

1 (p) "person" means an individual, a partnership, company, association,
2 corporation or any other legal entity.

3 (q) "public nuisance" means a dog that does any of the following:

- 4 1. Bites a person;
- 5 2. Chases vehicles or persons;
- 6 3. Damages or destroys the property of persons other than the
owner of the dog;
- 7 4. Trespasses on private property of persons other than the owner
of the dog;
- 8 5. Disturbs any person by frequent or prolonged noises;
- 9 6. Is a female in heat and running at large.

10 (r) "veterinarian" means a practicing veterinarian, licensed pursuant
11 to the laws of the State of Oregon, to perform any of the acts set forth in
12 ORS 686.030.

13 (s) "veterinary hospital" means any business establishment maintained
14 and operated by a veterinarian, which is operated for the diagnoses and treat-
15 ment of diseases or injuries to animals.

16 (t) "vicious or dangerous dog" means any dog which bites any human being
17 or any domestic animal, or which demonstrates menacing behavior toward human
18 beings or domestic animals. However, an animal shall not be deemed vicious if
19 it bites, attacks or menaces a trespasser on the property of its owner or harms
20 or menaces anyone who has tormented or abused it.

21 SECTION 3. ADMINISTRATION AND ENFORCEMENT.

22 3.1 DOG CONTROL BOARD. For the purpose of administering and enforcing
23 this Ordinance, the Yamhill County Board of Commissioners hereby creates a Dog
24 Control Board. The Dog Control Board shall consist of five residents of Yamhill
25 County, two of whom shall be connected directly or indirectly with the livestock
26 industry. One member of the Dog Control Board shall reside within a city in
Yamhill County. One member of the Dog Control Board shall be a member of the

1 Humane Society, if one is organized within the County, otherwise that member
2 shall be selected from the County at large. The final member of the Dog Control
3 Board shall be selected from the County at large. The Dog Control Board members
4 shall serve at the pleasure of the Board of Commissioners, without pay, but may
5 be paid necessary expenses, such as travel; but in no event shall such expenses
6 paid to any one member exceed the amount of \$200.00 per annum, unless otherwise
7 approved by the Board of Commissioners. Expenses shall be paid from the Dog
8 Control Fund. The initial members of the Dog Control Board and their terms
9 shall be determined by Order of the Board of Commissioners, duly entered in the
10 Commissioners' Journal. These initial members shall serve until their successors
11 are appointed and qualified by the same means. The term of office of members of
12 the Dog Control Board, except the initial members, shall be five years, or until
13 replaced by the Board of Commissioners as provided herein. No one person shall
14 serve more than two consecutive terms as a member of the Dog Control Board. The
15 members of the Dog Control Board shall select from the number a Chairman, who
16 shall preside at all meetings, and a Secretary, who shall keep the Minutes of
17 meetings and other proceedings. The Dog Control Board shall meet on the call of
18 the Chairman or upon the call of any three members. Regularly scheduled meetings
19 may be established in the discretion of the Dog Control Board. The Dog Control
20 Board shall adopt by-laws for the conduct of Dog Control Board business, which
21 by-laws shall be subject to the review and approval of the Yamhill County Board
22 of Commissioners.

23 3.2 POWERS OF THE DOG CONTROL BOARD. The Dog Control Board shall be
24 empowered to issue all licenses required herein, and enforce all the laws
25 relating to the control of dogs within Yamhill County, including the making of
26 arrests. The Dog Control Board shall pass upon all claims against the Dog

1 Control Fund for sheep, goats or other livestock or poultry killed or injured by
2 a dog, and make general policy recommendations to the Yamhill County Board of
3 Commissioners covering the amounts to be paid upon such claims, and the Dog Con-
4 trol Board shall have the power to hire one or more Dog Control Officers for
5 such time as deemed necessary by the Dog Control Board for the effective enforce-
6 ment of this Ordinance and all other laws relating to the control of dogs in
7 Yamhill County. The salary fro the Dog Control Officers shall be paid from the
8 Dog Control Fund. The Dog Control Board shall each year conduct a program
9 directed toward the education of the public on the subject of neutering or spay-
10 ing of dogs, and other responsibilities of dog ownership.

11 3.3 DOG CONTROL OFFICERS. The Dog Control Officers appointed by the
12 Dog Control Board shall act under the direction of the Dog Control Board, and
13 shall be vested with full authority to make arrests, and collect all fees men-
14 tioned herein, to impound all dogs not licensed, to do all things authorized by
15 law to reduce the damage inflicted by dogs upon domestic animals and poultry, and
16 to investigate claims against the Dog Control Fund. In addition, the Dog Control
17 Officer shall be vested with full authority to enforce the provisions of this
18 Ordinance. The Dog Control Officer shall maintain a holding facility or place
19 of impoundment where all dogs subject to impoundment shall be kept and safely
20 held and provided with proper and sufficient food, water and shelter. The Dog
21 Control Officer or Officers shall be duly sworn as Yamhill County Deputy Sheriffs
22 for the purpose of dog control.

23 3.4 OTHER ENFORCEMENT OFFICERS. The Yamhill County Sheriff, his depu-
24 ties, any City Police Officer, or any duly authorized Dog Control official shall
25 have the power to arrest, cite or impound dogs for violations of this Ordinance,
26 which power shall be in addition to that power conferred upon those persons

1 under Oregon State Law.

2 3.5 YAMHILL COUNTY HEALTH OFFICER. The Yamhill County Health Officer
3 has the responsibility for administering the rules and regulations of the Board
4 of Health of the State of Oregon relating to rabies control in Yamhill County.
5 The Yamhill County Health Officer has delegated to the Dog Control Officer or
6 Officers the authority to isolate dogs that are not known to have been vaccinated
7 against rabies and have bitten a person, or are suspected of having rabies.

8 3.6 YAMHILL COUNTY DOG CONTROL ADVISORY COMMITTEE. The Yamhill County
9 Board of Commissioners may, by Resolution, create and appoint members to an
10 Advisory Committee, to be known as the Yamhill County Dog Control Advisory Commit-
11 tee. If said Advisory Committee is created, its purpose shall be to provide
12 liason between the governing bodies of cities within Yamhill County and the Dog
13 Control Board.

14 SECTION 4. LICENSING OF DOGS.

15 4.1 LICENSING PROCEDURES. Any person owning or keeping a dog which has
16 permanent canine teeth or which is more than six months of age, shall procure a
17 license for each such dog for each calendar year or any part thereof. Such
18 license shall be procured not later than March 1st of each year, or within 30
19 days after the date the dog becomes 6 months of age or developes permanent canine
20 teeth, or within 30 days after a dog is brought into Yamhill County; thereafter
21 said dog shall be licensed on a calendar basis from year to year. The County
22 Clerk's Office shall keep a numbered record of all such licenses and shall include
23 information as to sex, breed of dog, and name and address of owner; provided, how-
24 ever, that this section shall not apply to non-resident dog owners, residing out-
25 side Yamhill County, if the dogs of such owners are not kept within Yamhill County
26 in excess of 30 days, are duly licensed by the jurisdiction in which the owner

1 resides, and if such dogs are kept at all times under restraint by the owner.

2 4.2 LICENSE FEES. The license fee charged for the yearly license shall
3 be as follows:

- 4 (a) For each spayed female or neutered male dog for which a
5 veterinarian's certificate of operation for the spaying
6 or neutering of the dog is presented to the County: \$5.00;
- 7 (b) For each spayed female or neutered male dog for which a
8 veterinarian's certificate of operation for the spaying
9 or neutering of the dog is presented to the County and
10 the dog is owned by a person who is 65 years of age or
11 older: \$3.00;
- 12 (c) For each dog kept primarily in a kennel and not permitted
13 to run at large: \$5.00, so long as the dog is not taxed
14 as inventory, pursuant to ORS 310.608. In the event the
15 dog is so taxed, a fee shall not be charged for the issuance
16 of a license for said dog;
- 17 (d) Any dog owned by a blind person as a guide dog shall be
18 licensed as required in this Ordinance, but shall not be
19 required to pay a license fee;
- 20 (e) All other dogs: \$9.00.

21 4.3 RABIES INOCULATION AND CERTIFICATE REQUIREMENTS. It shall be the
22 duty of the owner or keeper of any dog with permanent canine teeth, or which is
23 more than 6 months of age, to have that dog inoculated against rabies with a
24 modified live virus vaccine and no license shall be issued for any dog, unless
25 the applicant exhibits a certificate of such inoculation by a veterinarian or,
26 in the case of dogs owned by a kennel, a statement of such inoculation, signed
and sworn to by the owner of that kennel.

27 4.4 LATE LICENSE FEE. Any owner or keeper of a dog who fails to pro-
28 cure or pay for a license within the time limits required by this Ordinance in
29 any year shall pay a delinquent payment for such failure in the sum of \$10.00
30 for each dog, provided that, in the case of a kennel, the failure to procure a
31 valid license as required shall subject that kennel to a delinquent license fee

1 of \$10.00 for each dog on the premises at the date of the violation, if said
2 dogs are not otherwise exempt from this Ordinance. Such fee shall be in addition
3 to the regular license fees and shall be paid at the time of the issuance of the
4 license or licenses.

5 4.5 LICENSE TAG. Upon payment of the fees required hereunder, the
6 County shall issue to the owner of the dog a license tag, suitable for attachment
7 to the dog's collar, and the owner of the dog shall attach said license tag to a
8 collar on the dog and keep it on the dog at all times.

9 4.6 LOST LICENSE TAGS. If a license tag is lost, the owner may secure
10 a duplicate license tag from the County upon satisfactory proof of loss and the
11 payment of the sum of \$1.00.

12 4.7 EXTENDED LICENSE PERIOD. In the event that any dog shall become
13 subject to the licensing requirements of this Ordinance after the 31st day of
14 October of any year, the license purchased shall be valid for the remaining
15 months of that year and the whole of the next calendar year. This section applies
16 only to dogs which because of age or newly-established residence in Yamhill
17 County have become subject to this Ordinance after the 31st day of October of
18 that year and this extended license period shall not apply to cases where the
19 dog was subject to the Ordinance but a license was not purchased when required.

20 4.8 LICENSE FEES ARE NOT PENALTIES. The fees specified under this
21 section are in addition to any penalties prescribed in this Ordinance for owning
22 or keeping a dog without a license.

23 SECTION 5. DOG FACILITIES, LICENSING AND INSPECTION.

24 5.1 COVERAGE. This section covers all dog facilities maintained in
25 Yamhill County, whether such dog facilities are denominated as kennels, holding
26 facilities, shelters or otherwise in this Ordinance, and whether owned by public,

1 private or non-profit organizations. However, this Ordinance does not apply to
2 municipal holding facilities owned and operated by municipal corporations in
3 Yamhill County, unless such municipality consents to coverage hereunder by the
4 execution of an intergovernmental agreement, as provided for in Section 11.1.

5 5.2 LAND USE. The issuance of a license for a dog facility shall not
6 constitute approval of the land use or evidence the compliance with any land use
7 restrictions or regulations which may apply to the proposed facility operation.

8 5.3 LICENSING REQUIREMENT. All dog facilities covered under this Ordi-
9 nance shall be required to procure an annual license from Yamhill County. No
10 person shall operate a dog facility without such a license. The license fee
11 shall be as follows:

12 (a) Kennels, as defined in this Ordinance: \$25.00.

13 (b) Holding facilities and Shelters,
14 operated by non-profit organizations: No Fee.

15 (c) Holding facilities and Shelters
16 maintained by municipalities: No Fee.

17 5.4 LICENSE PERIOD. The license required in this section shall cover
18 the calendar year or part thereof. Such license shall be applied for not later
19 than March 1st of each year, or within 30 days after the date that a dog facility
20 becomes subject to the requirements of this Ordinance, and thereafter, each
21 facility shall become licensed on a calendar basis from year to year.

22 5.5 LICENSE PROCEDURE. The Dog Control Officer, upon receipt of an
23 application for a license of a dog facility under this Ordinance, shall inspect
24 the facility, and upon determination that the facility and its operation complies
25 with all applicable provisions of this Ordinance and other applicable State and
26 Federal laws, shall issue a license as required hereunder. In the event the Dog
Control Officer fails to approve or deny any application under this Ordinance

1 within 60 days of its receipt and the payment of the applicable fees, the
2 application shall be deemed approved for the current year, subject only to
3 revocation as provided hereinafter.

4 5.6 DISPLAY OF LICENSE. A license granted hereunder shall be con-
5 spicuously displayed on the dog facility premises, and a holder of the license
6 shall keep available for inspection by a Dog Control Officer a record of the name
7 and address and telephone number of the owner of each dog kept at the facility,
8 the date the dog was received, the purpose thereof, the name and address of the
9 person from whom the dog was purchased or received, a description of each dog,
10 including age, sex, breed, color, and the animal's veterinarian, if known. In
11 addition, a licensee under this Ordinance shall keep available for inspection by
12 the Dog Control Officer a record of the inoculation by a veterinarian or kennel
13 owner of each animal kept therein, for rabies, using a modified live virus
14 vaccine, as required by Oregon State Law.

15 5.7 STANDARDS FOR LICENSING OF FACILITIES. The Dog Control Officer
16 shall not issue a license for any dog facility until an inspection demonstrates
17 compliance with those standards set forth herein, applicable to the nature and
18 species of any animal to be kept:

- 19 (a) Housing structure shall be sound and maintained in good repair
20 to protect animals from injury, safely confine the animals
 housed therein, and prevent entry of other animals.
- 21 (b) Reliable and adequate electrical service and a potable water
22 supply shall serve the facility.
- 23 (c) Storage of food supplies and bedding materials shall be
 designed to prevent vermin and infection.
- 24 (d) Refrigeration shall be furnished for perishable foods.
- 25 (3) Safe and sanitary disposal facilities shall be available
26 to eliminate animal and food waste, bedding, dead animals,
 debris, and to minimize vermin infestation, odors, and