

YAMHILL COUNTY
DOG CONTROL ORDINANCE

NO. 274

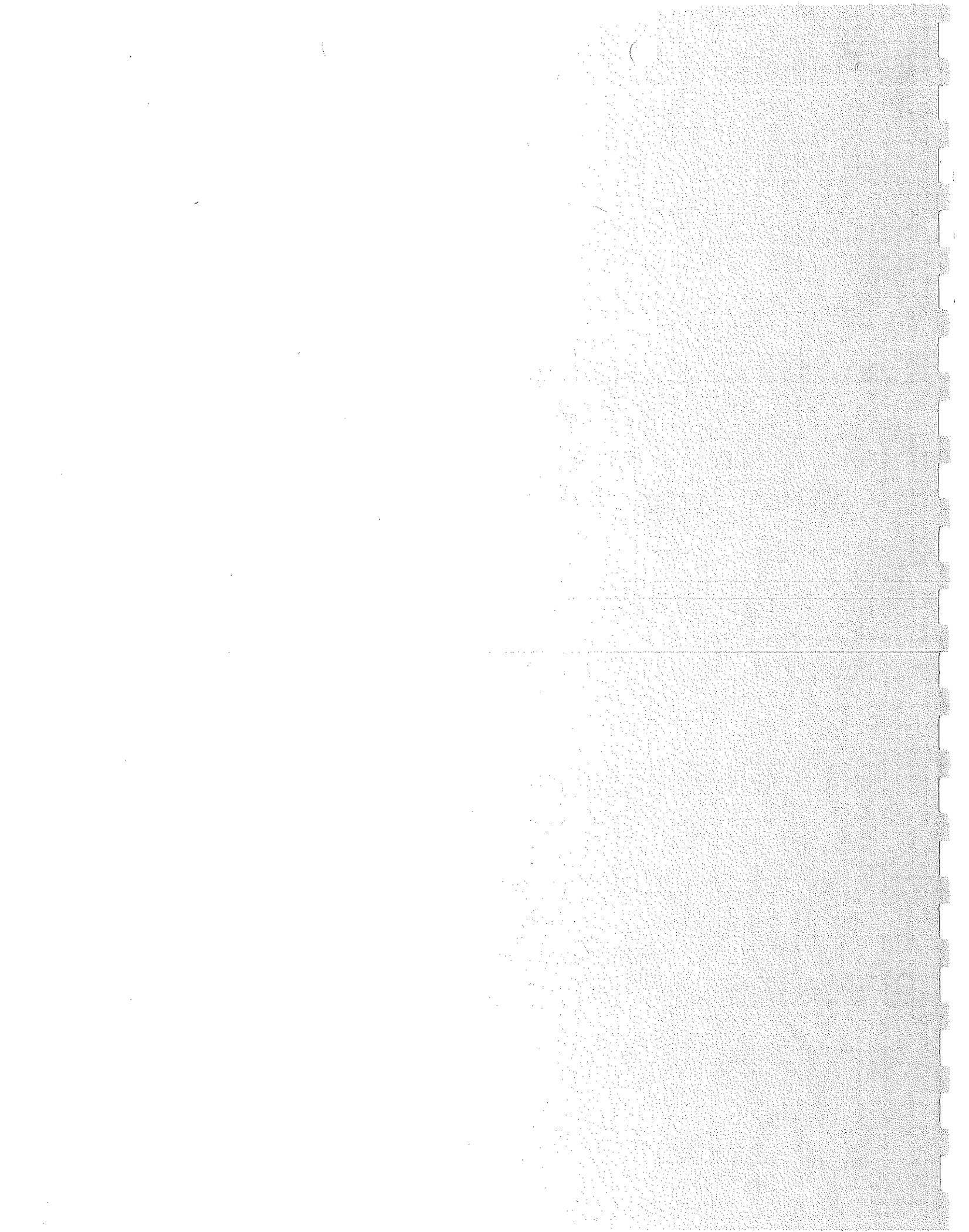
as amended by Ordinance 285

Nov. 4, 1981

Originally

August 26, 1981

YAMHILL COUNTY BOARD OF COMMISSIONERS



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DOG CONTROL ORDINANCE

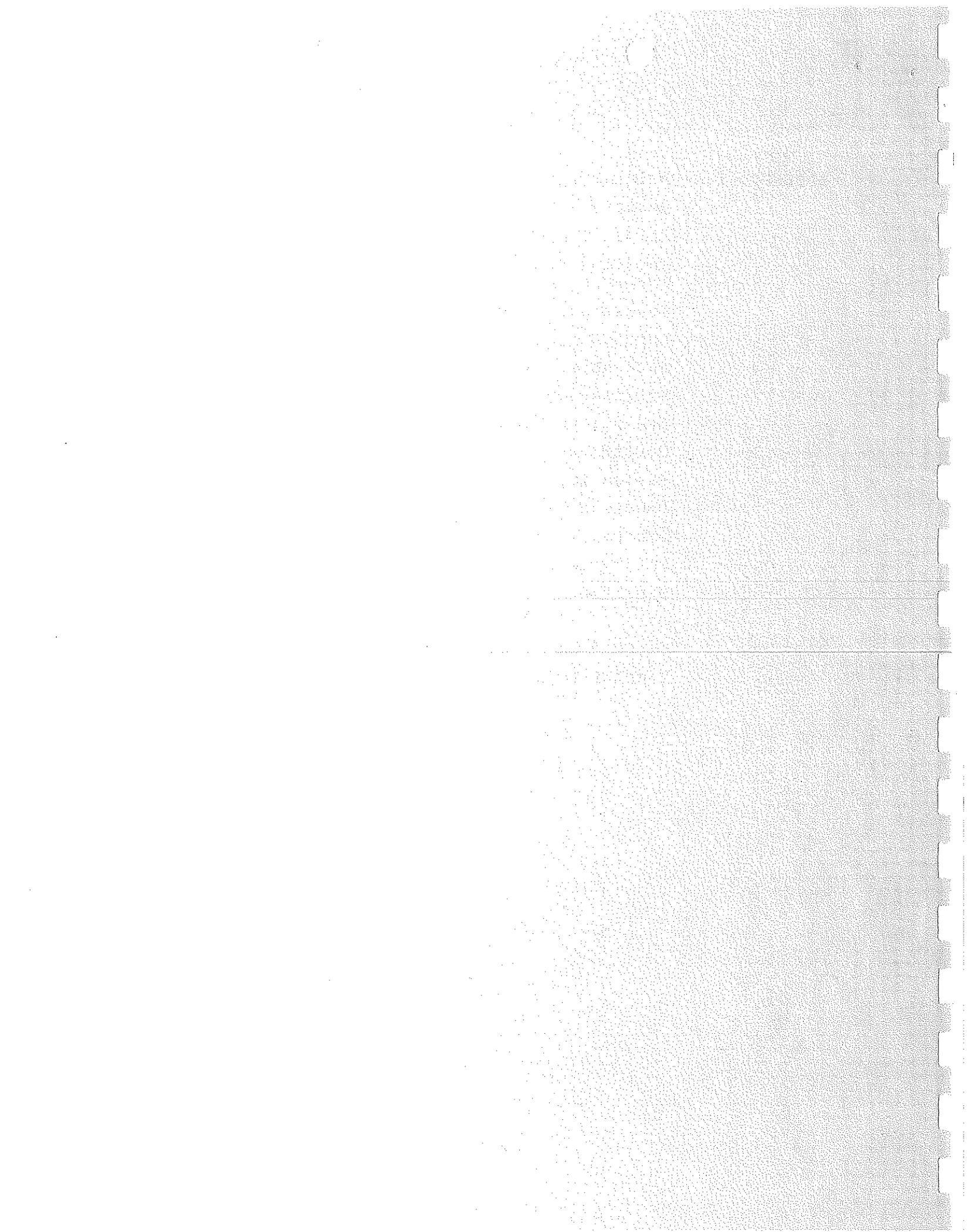
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2 FOR THE COUNTY OF YAMHILL

3 SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

4 An Ordinance Providing for the)	ORDINANCE NO. 274
Licensing and Regulating of)	REPEALING & SUPERSEDING
5 Conduct, Care and Treatment of)	ORDINANCE NO. 150 as Amended
Certain Animals; Prohibiting)	by ORDINANCES 168 & 188.
6 Activities; Establishing)	
Procedures; Providing)	
7 Penalties.)	

8 THE BOARD OF COUNTY COMMISSIONERS of Yamhill County,
9 Oregon hereinafter called "the Board" ordains as follows:

11 SECTION I

12 POLICY, PURPOSE AND TITLE

13 1.1 -- POLICY. The Board of Commissioners of Yamhill

14 County recognizes that ORS Chapter 609 grants non-home-rule
15 counties the power to regulate dogs by ordinance and that on
16 July 5, 1929 Yamhill County was declared to be a Dog Control
17 District by a vote of the electors of Yamhill County. Pursuant
18 to the vote of the electors and to ORS Chapter 609, Yamhill
19 County is hereby declared to be a Dog Control District.

20 The Board further recognizes and finds that the
21 regulation of dogs is a matter of County concern and, there-
22 fore, ORS Chapter 203 provides a separate and independent legal
23 basis upon which to enact this Ordinance. Pursuant to both
24 ORS Chapter 609 and ORS Chapter 203, the Board finds it necessary
25 to implement a program for the licensing and regulation of dogs
26 and the facilities which house them; to protect the health,

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1 safety and welfare of the residents and citizens of Yamhill
2 County; to recognize the property rights of both owners and
3 non-owners of dogs; and to provide for the control and protection
4 of dogs located within the County, the Board does hereby enact
5 this Ordinance.

6
7 1.2 -- PURPOSE. This Ordinance is enacted to provide
8 a procedure and program for the implementation of the above
9 described policy; to set forth the requirements for licensing,
10 regulation, care and treatment of dogs; and to describe the
11 activities in relation thereto which shall be prohibited in
12 Yamhill County.

13
14 1.3 -- TITLE. This Ordinance shall be known as the
15 "DOG CONTROL ORDINANCE."

16
17 SECTION II
18 DEFINITIONS

19 2.1 -- GENERAL DEFINITIONS. As used in this Ordinance,
20 the terms defined in this § shall have the defined meanings un-
21 less the context requires otherwise. Words in the present tense
22 include the future; the singular includes the plural; plural
23 usage includes the singular; "shall" means mandatory, not
24 directory; and the masculine gender includes the feminine.

25 ////

26 ////

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2.2 -- SPECIFIC DEFINITIONS. As used in this

Ordinance:

- (a) "Animal means any mammal, bird, reptile, or amphibian.
- (b) "Bail" means money or its equivalent deposited by a defendant to secure his appearance in court for a Dog Control offense.
- (c) "Dog" means any mammal of the canine family.
- (d) "Dog Control Advisory Committee" means the Committee created pursuant to this Ordinance and appointed by the Yamhill County Board of Commissioners.
- (e) "Dog facility" means any site where four or more dogs of licensable age are kept, whether such animals are the property of the site owner or other persons. Provided, however, dogs kept as household pets shall not be counted for the purpose of determining whether a "dog facility" exists.
- (f) "Dog running at large" means a dog off or outside of the premises of the owner, not restrained by a rope, line, leash, chain, or other similar means, or not under the immediate control and command or an owner thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field, that

- dog shall be deemed "at large."
- (g) "Dog license" means that license required to be issued annually for each individual dog pursuant to the provisions of this Ordinance.
- (h) "Holding facility (shelter)" means a facility built and maintained by a city or by Yamhill County for the purpose of enforcing or administering an animal or dog control program.
- (i) "Household pet" means an animal kept primarily for the personal pleasure and enjoyment of the owner.
- (j) "Isolation" 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.
- (k) "Kennel" means a site providing for the accommodation of four or more dogs, cats, or other household pets of at least four months of age, such animals being kept for board, propagation, training or sale.
- (l) "Livestock" means horses, mules, jackasses, cattle, sheep, goats, swine, domesticated fowl, and any fur bearing animal bred and maintained, commercially or otherwise, within pens, cages and hutches.

1 (m) "Owner" or "keeper" means any person who keeps,
2 has custody of, possesses, harbors, or exercises
3 control over a dog or other animal, with the
4 exception of veterinary hospitals as defined in
5 this Ordinance. In a family situation, such
6 person is presumed to be the head of the household.

7 (n) "Person" means an individual, a partnership,
8 company, association, corporation or any other
9 legal entity.

10 (o) "Public nuisance" means a dog that does any of
11 the following:

12 (1) Bites a person;

13 (2) Chases vehicles or persons;

14 (3) Damages or destroys the property of persons
15 other than the owner of the dog;

16 (4) Trespasses on private property of persons
17 other than the owner of the dog;

18 (5) Disturbs any person by frequent or prolonged
19 noises;

20 (5) Is a female in heat and running at large.

21 (p) "Veterinarian" means a practicing veterinarian,
22 licensed pursuant to the laws of the State of
23 Oregon, to perform any of the acts set forth in
24 ORS 686.030.

25 (q) "Veterinary hospital" means any business estab-
26 lishment maintained and operated by a veterinarian

1 which is operated for the diagnosis and treat-
2 ment of diseases or injuries to animals.

3 (r) "Vicious or dangerous dog" means any dog which
4 bites any human being or any domestic animal,
5 or which demonstrates menacing behavior toward
6 human beings or domestic animals. However, an
7 animal shall not be deemed vicious if it bites,
8 attacks or menaces a trespasser on the property
9 of its owner or harms or menaces anyone who has
10 tormented or abused it.

11 (s) "Yamhill County Sheriff" means the duly elected
12 Sheriff of Yamhill County, his deputies or
13 designees.

14
15 SECTION III

16 ADVISORY COMMITTEE -- ADMINISTRATION AND
17 ENFORCEMENT

18 3.1 -- DOG CONTROL ADVISORY COMMITTEE. The Yamhill

19 County Board of Commissioners hereby creates the Dog Control
20 Advisory Committee which shall consist of three residents of
21 Yamhill County. At least one member of the Dog Control Advisory
22 Committee shall be connected directly with the livestock industry.
23 At least one member of the Dog Control Advisory Committee shall
24 reside within a city in Yamhill County. At least one member of
25 the Dog Control Advisory Committee shall be directly connected
26 with dogs. At least one member of the Dog Control Advisory

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1 Committee shall be selected from the County at large. The
2 Dog Control Advisory Committee members shall serve at the
3 pleasure of the Board of Commissioners, without pay. The term
4 of office of members of the Dog Control Advisory Committee
5 shall be two years or until replaced by the Board of Commission-
6 ers as provided herein. No one person shall serve more than two
7 consecutive terms as a member of the Dog Control Advisory
8 Committee. The members of the Dog Control Advisory Committee
9 shall select, from their number, a Chairman who shall preside
10 at all meetings and a Secretary who shall keep the Minutes of
11 meetings and other proceedings. The Dog Control Advisory
12 Committee shall meet upon the call of the Chairman or upon the
13 call of any two members. Regularly scheduled meetings may be
14 established in the discretion of the Dog Control Advisory
15 Committee.

16 3.2 -- POWERS OF THE DOG CONTROL ADVISORY COMMITTEE.

17 The Dog Control Advisory Committee shall pass upon
18 all claims against the Dog Control Fund for sheep, goats, or
19 other livestock or poultry killed or injured by a dog, and make
20 general policy recommendations to the Yamhill County Board of
21 Commissioners covering the amounts to be paid upon such claims.
22 The Dog Control Advisory Committee shall, as it deems necessary,
23 advise the Yamhill County Board of Commissioners on matters
24 related to dog control. The Dog Control Advisory Committee
25 shall, each year, conduct a program directed toward the education
26 of the public on the subject of the neutering or spaying of

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1 dogs and other responsibilities of dog ownership.

2
3 3.3 -- ENFORCEMENT AND ADMINISTRATION. The Yamhill

4 County Sheriff shall be vested with full authority to make
5 arrests, collect all fees mentioned herein, and otherwise
6 enforce and administer the provisions of this Ordinance; to
7 do all things authorized by law to reduce the damage inflicted
8 by dogs upon domestic animals and poultry; and to investigate
9 claims against the Dog Control Fund. The Sheriff shall maintain
10 a holding facility or place of impoundment where all dogs sub-
11 ject to impoundment shall be kept and safely held and provided
12 with proper and sufficient food, water, and shelter.

13
14 3.4 -- OFFICERS WORKING WITH DOGS. In designating

15 personnel to work with dogs, the Yamhill County Sheriff shall
16 consider the following criteria:

- 17 (a) Physical ability to do the work required;
18 (b) Previous experience working with dogs;
19 (c) Experience or training in the fields of law,
20 business, or public relations;
21 (d) Other relevant experience and/or training.

22
23 3.5 -- OTHER ENFORCEMENT OFFICERS. Any peace officer

24 shall have the power to arrest, cite or impound dogs for
25 violations of this Ordinance, which power shall be in addition
26 to any powers otherwise conferred upon him under Oregon State law.

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

3
4 4.2 -- LICENSE FEES. The license fee charged for
5 the yearly license shall be as follows:

6 (a) For each spayed female or neutered male
7 dog for which a veterinarian's Certificate
8 of Operation for the spaying or neutering of
9 the dog is presented to the County. \$5.00

10 (b) For each spayed female or neutered male dog
11 for which a veterinarian's Certificate of
12 Operation for the spaying or neutering of the
13 dog is presented to the County and the dog is
14 owned by a person who is 65 years of age or
15 older \$3.00

16 (c) For each dog kept in a kennel and not
17 permitted to run at large \$3.00
18 so long as the dog is not taxed as inventory
19 pursuant to ORS 310.608. In the event the dog
20 is so taxed, a fee shall not be charged for
21 the issuance of a license for said dog.

22 (d) Any dog owned by a blind or deaf person and
23 used as a guide dog shall be licensed as
24 required in this Ordinance but shall not be
25 required to pay a license fee.

26 (e) All other dogs \$11.00

1 4.3 -- RABIES INOCULATION AND CERTIFICATE REQUIRE-

2 MENTS. It shall be the duty of the owner or keeper of any
3 dog with permanent canine teeth or which is more than six months
4 of age to have that dog inoculated against rabies with a modified
5 live virus vaccine and no license shall be issued for any dog
6 unless the applicant exhibits a Certificate of such inoculation
7 by a veterinarian or, in the case of dogs owned by a kennel, a
8 statement of such inoculation signed and sworn to by the owner
9 of that kennel.

10 4.4 -- LATE LICENSE FEE. Any owner or keeper of a dog

11 who fails to procure or pay for a license within the time limits
12 required by this Ordinance in any year shall pay a delinquent
13 payment for such failure in the sum of Twenty-five and no/100
14 Dollars (\$25) for each dog provided that, in the case of a
15 kennel, the failure to procure a valid license as required shall
16 subject that kennel to a delinquent license fee of Ten and no/100
17 Dollars (\$10) for each dog on the premises at that date of the
18 violation if said dogs are not otherwise exempt from this
19 Ordinance. Such fee shall be in addition to the regular license
20 fees and shall be paid at the time of the issuance of the license
21 of licenses.

22 ////////////////

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26 ////////////////

1 4.5 -- LICENSE TAG. Upon payment of the fees
2 required hereunder, the County shall issue to the owner of the
3 dog a license tag suitable for attachment to the dog's collar
4 and the owner of the dog shall attach said license tag to a
5 collar on the dog and keep it on the dog at all times.
6 Provided, however, that if the dog is kept at all times in an
7 enclosure or pen said license tag shall, if desired by the
8 owner or keeper, be affixed to such enclosure or pen rather
9 than to the collar of the dog.

10
11 4.6 -- LOST LICENSE TAGS. If a license tag is lost,
12 the owner may secure a duplicate license tag from the County
13 upon satisfactory proof of loss and payment of the sum of
14 One Dollar (\$1.00).

15
16 4.7 -- LICENSE TAG TRANSFER. If the ownership of a
17 dog which is currently licensed under § 4.5 changes, the new
18 owner of the dog shall secure from the County a transfer of
19 the license tag upon payment of the sum of Three Dollars (\$3.00).

20
21 4.8 -- EXTENDED LICENSE PERIOD. In the event that
22 any dog shall become subject to the licensing requirements of
23 this Ordinance after the 31st day of October of any year, the
24 license purchased shall be valid for the remaining months of
25 that year and the whole of the next calendar year. This §
26 applies only to dogs which, because of age or newly established

1 residence in Yamhill County, have become subject to this
2 Ordinance after the 31st day of October of that year and
3 this extended license period shall not apply to cases where
4 the dog was subject to the Ordinance but a license was not
5 purchased when required.

6
7 4.9 -- LICENSE FEES ARE NOT PENALTIES. The fees
8 specified under this § are in addition to any penalties
9 prescribed in this Ordinance for owning or keeping a dog without
10 a license.

11
12 SECTION 4

13 DOG FACILITIES, LICENSING
14 AND INSPECTION

15 5.1 -- COVERAGE. This § covers all dog facilities
16 maintained in Yamhill County whether such dog facilities are
17 denominated as kennels, holding facilities, shelters or other-
18 wise in this Ordinance, and whether owned by public, private,
19 or non-profit organizations. However, this Ordinance does not
20 apply to municipal holding facilities owned and operated by
21 municipal corporations in Yamhill County unless such municipality
22 consents to coverage hereunder by the execution of an inter-
23 governmental agreement as provided for in § 11.1.

24
25 5.2 -- LAND USE. The issuance of a license for a
26 dog facility shall not constitute approval of the land use or

1 evidence of the compliance with any land use restrictions or
2 regulations which may apply to the proposed facility operation.

3
4 5.3 -- LICENSING REQUIREMENT. All dog facilities
5 covered under this Ordinance shall be required to procure an
6 annual license from Yamhill County. No person shall operate
7 a dog facility without such a license. The license fee shall
8 be as follows:

- 9 (a) Kennels, as defined in this Ordinance . . . \$25.00
10 (b) Holding facilities and shelters operated
11 by non-profit organizations None
12 (c) Holding facilities and shelters maintained
13 by municipalities None

14
15 5.4 -- LICENSE PERIOD. The license required in this
16 § shall cover the calendar year or part thereof. Such license
17 shall be applied for not later than March 1st of each year or
18 within 30 days after the date that a dog facility becomes subject
19 to the requirements of this Ordinance and, thereafter, each
20 facility shall become licensed on a calendar basis from year to
21 year.

22
23 5.5 -- LICENSE PROCEDURE. The Yamhill County Sheriff,
24 upon receipt of an application for a license of a dog facility
25 under this Ordinance, shall inspect the facility and, upon
26 determination that the facility and its operation complies with

1 all applicable provisions of this Ordinance and other applicable
2 state and federal laws, shall issue a license as required here-
3 under. In the event the Yamhill County Sheriff fails to approve
4 or deny any application under this Ordinance within 60 days of
5 its receipt and the payment of the applicable fees, the applica-
6 tion shall be deemed approved for the current year, subject only
7 to revocation as provided hereinafter.

8
9 5.6 -- DISPLAY OF LICENSE. A license granted hereunder
10 shall be conspicuously displayed on the dog facility premises,
11 and a holder of the license shall keep available for inspection
12 by the Yamhill County Sheriff a record of the name, address and
13 telephone number of the owner of each dog kept at the facility,
14 the date the dog was received, the purpose thereof, the name and
15 address of the person from whom the dog was purchased or received,
16 a description of each dog, including age, sex, breed, color and
17 the animal's veterinarian, if known. In addition, a licensee
18 under this Ordinance shall keep available for inspection by the
19 Yamhill County Sheriff, a record of the inoculation by a
20 veterinarian or kennel owner of each animal kept therein for
21 rabies, using a modified live virus vaccine as required by
22 Oregon State law.

23
24 5.7 -- STANDARDS FOR LICENSING OF FACILITIES. The
25 Yamhill County Sheriff shall issue a license to any dog facility
26 which passes his inspection. The Yamhill County Sheriff shall

1 consider the following criteria while conducting the inspection:

- 2 (a) Housing structure shall be sound and maintained
3 in good repair to protect animals from injury,
4 safely confine the animals housed therein, and
5 prevent entry of other animals.
- 6 (b) Reliable and adequate electrical service and
7 a potable water supply shall serve the facility.
- 8 (c) Storage of food supplies and bedding materials
9 shall be designed to prevent vermin and infection.
- 10 (d) Refrigeration shall be furnished for perishable
11 foods.
- 12 (e) Safe and sanitary disposal facilities shall be
13 available to eliminate animal and food waste,
14 bedding, dead animals, debris, and to minimize
15 vermin infestation, odors and disease hazards.
- 16 (f) Cleanliness facilities shall be available to
17 animal caretakers and handlers.
- 18 (g) In enclosed structures, the interior ambient
19 temperatures shall be maintained above 50°F for
20 animals not acclimatized to lower temperatures.
- 21 (h) In enclosed structures, adequate ventilation shall
22 be maintained to assure animal comfort by such
23 means as will provide sufficient fresh air and
24 will minimize drafts, odors and moisture condensa-
25 tion. Mechanical ventilation must be available
26 when ambient temperatures exceed 85°F.

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

(j) Interior building surfaces shall be so constructed and maintained as to prevent moisture penetration.

(k) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities; the design shall assure obstruction-free flow and traps to prevent sewage backflow.

(l) 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.

(m) In addition to the general standards contained in this §, the following standards of care shall apply specifically to the keeping of dogs in a licensed facility:

(1) The primary enclosure shall be of sufficient size to permit each dog housed therein to stand freely, sit, turn about and lie in a comfortable, normal position. No more than 12 dogs may be housed in the same primary

enclosure. 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. An exercise area or means to provide each dog with exercise shall be provided on the premises.

(2) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, such devices shall be installed in such manner as to prevent entanglement with the devices of other dogs or objects 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.

(3) Dogs shall be fed at least once daily with a diet of nutritionally adequate and uncontaminated food.

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

(5) Cages, rooms, hard surface pens, runs and

1 food and water in receptacles shall be
2 sanitized to prevent disease, not less than
3 once every two weeks, by washing with hot
4 water and soap or detergent, by washing with
5 a combination disinfectant and cleanser, by
6 washing with a safe detergent followed by
7 safe, effective disinfectant, or by cleaning
8 with steam. Prior to the introduction of
9 dogs into empty enclosures previously
10 occupied, the enclosures shall be sanitized.
11 Dogs shall be removed from the enclosure during
12 the cleaning process and adequate care shall
13 be taken to protect the animals in other
14 enclosures.

15 (6) Excrement shall be removed from primary
16 enclosures as often as necessary to prevent
17 contamination, reduce disease hazards and
18 minimize odors.

19
20 5.8 -- DENIAL AND REVOCATION OF LICENSE. A dog

21 facility license required under this § may be denied or revoked
22 for any of the following reasons:

23 (a) Failure to comply substantially with any provision
24 of this Ordinance.

25 (b) Conviction of the owner or any person subject
26 to his direction or control for the violation of

1 any provision of this Ordinance or other
2 applicable state or federal law, rule, order
3 or regulation pertaining to any activity relat-
4 ing to animals.

5 (c) Furnishing false information on the application
6 for a license under this Ordinance.

7
8 5.9 -- APPEAL FROM DENIAL OR REVOCATION OF LICENSE.

9 If an application for a dog facility license is denied
10 or approved subject to conditions, or revoked, the applicant may
11 appeal such denial, conditional approval or revocation to the
12 Yamhill County Board of Commissioners no later than 15 days after
13 the date of the decision by the Yamhill County Sheriff and the
14 Yamhill County Board of Commissioners shall, within 30 days of
15 such request, provide a hearing for the applicant. Notice of
16 said Board of Commissioners' hearing shall be mailed to the
17 applicant by Certified Mail no later than 10 days prior to the
18 hearing. A decision by the Board of Commissioners resulting
19 from any appeal provided herein shall be reviewable only as
20 provided in ORS Chapter 34.

21
22 5.10 -- INSPECTION. Any dog facility licensed under
23 this Ordinance shall be subject to inspection by the Yamhill
24 County Sheriff at any reasonable time for the purpose of
25 determining compliance with this Ordinance. The Yamhill County
26 Sheriff shall have the right to inspect not only the facility

1 itself, but also all records and other documents required to
2 be kept by this Ordinance.

3
4 5.11 -- RECORD KEEPING. The owner or operator of any
5 dog facility licensed under this Ordinance shall keep records of
6 all dogs of licensable age sold and make these records available
7 to the Yamhill County Sheriff upon request. Records of such
8 sales shall be preserved by the owner or operator of any dog
9 facility for 18 months.

10
11 SECTION VI

12 PROHIBITED CONDUCT

13 6.1 -- OWNERS OF DOGS. It shall be a violation of
14 this Ordinance for the owner or keeper of a dog to:

- 15 (a) Permit a dog to run at large.
- 16 (b) Allow a dog to become a public nuisance,
17 except that a dog shall not be considered
18 a public nuisance under this Ordinance if
19 the dog bites a person who is wrongfully
20 assaulting the dog or the dog's owner, or
21 if the dog bites a person trespassing on the
22 premises occupied by the dog's owner after
23 being provoked by that person.
- 24 (c) To keep a vicious or dangerous dog.
- 25 (d) To keep a dog with knowledge that it has
26 injured, chased, wounded or killed livestock.

- () 11 11
- 1 (e) To keep a dog without a license attached
2 to its collar as required by this Ordinance
3 unless the dog is kept at all times in an
4 enclosure or pen and the license tag is
5 affixed to such enclosure or pen.
- 6 (f) To keep an unlicensed dog when that dog is
7 subject to the licensing provisions of this
8 Ordinance.
- 9 (g) To keep a dog which has not received its
10 rabies inoculation as required under ORS
11 433.365. It shall be an affirmative defense
12 to a violation of this provision that the dog
13 was inoculated prior to trial, and the charge
14 shall be dismissed upon the presentation to
15 the trial court of a Certificate of Inoculation
16 signed by a veterinarian.

17

18 6.2 -- DOG FACILITIES. It shall be a violation of this
19 Ordinance for the owner or operator of any dog facility subject
20 to this Ordinance to violate any provisions of this Ordinance
21 relating to the regulation, inspection, or maintenance of a dog
22 facility or to fail to obtain any license required by this
23 Ordinance.

24

25 6.3 -- HINDERING IMPOUNDMENT. It shall be a violation
26 of this Ordinance for any person to hinder or otherwise interfere

1 with the apprehension or impoundment of any dog by the Yamhill
2 County Sheriff or any other peace officer.

3
4 6.4 -- PENALTIES. Penalties for violation of any
5 provision of this § are set forth in § XIV of this Ordinance.

6
7 SECTION VII

8 IMPOUNDMENT AND DISPOSITION

9 OF IMPOUNDED DOGS

10 7.1 -- COUNTY DOG FACILITIES. The Yamhill County
11 Sheriff shall operate, maintain or provide for an adequate
12 facility to receive, care for and safely confine any animal
13 delivered to its custody under the provisions of this Ordin-
14 ance, which facility shall be accessible to the public during
15 reasonable hours for the conduct of necessary business
16 concerning impounded animals.

17
18 7.2 -- WHEN AN ANIMAL MAY BE IMPOUNDED. Notwithstand-
19 ing dogs which are impounded for allegedly injuring, chasing,
20 wounding or killing livestock, any animal may be impounded and
21 held at the County facility, when it is the subject of a viola-
22 tion of this Ordinance, when an animal requires protective
23 custody and care because of mistreatment or neglect by its owner,
24 or when otherwise ordered impounded by the court.

25
26 7.3 -- WHEN AN ANIMAL IS DEEMED IMPOUNDED. An animal

1 is deemed to be impounded from the time the Yamhill County
2 Sheriff or any peace officer takes custody of the animal.

3

4 7.4 -- IMMEDIATE DESTRUCTION OF AN IMPOUNDED ANIMAL.

5 Any animal which has been impounded under this
6 Ordinance which, by reason of injury, disease or other cause,
7 is suffering great pain or is dangerous to keep impounded,
8 may be destroyed forthwith. The Yamhill County Sheriff may
9 request a veterinarian to certify this fact in writing before
10 such immediate destruction is undertaken.

11

12 7.5 -- NOTICE OF IMPOUNDMENT. Whenever any dog is
13 impounded which bears an identification of ownership, the
14 Yamhill County Sheriff shall make a reasonable effort within
15 24 hours of impoundment, by telephone, to give notice of the
16 impoundment of the animal to its owner and, if unsuccessful,
17 shall mail written notice by Certified Mail within 48 hours
18 of impoundment to the last address of record of the owner,
19 advising of the impoundment, the date by which redemption must
20 be made, and the fees to be paid prior to redemption and release.

21

22 7.6 -- PERIOD OF IMPOUNDMENT. Unless a dog which
23 evidences identification of ownership by a license, issued by
24 Yamhill County or some other authorized government entity,
25 is redeemed within five days after notice of impoundment is
26 mailed, such dog may be destroyed or sold, consistent with the

24 -- DOG CONTROL ORDINANCE NO. 274

1 manner prescribed by this Ordinance. Provided, however, that
2 if a dog has been impounded because it has either bitten a
3 person and does not have a vaccination which is valid for
4 immunity against rabies, or because a dog is suspected of
5 rabies, such dog shall be kept in impoundment and quarantined
6 for such period of time as is necessary to observe said dog
7 for the required 10-day quarantine period in order to determine
8 whether said dog is infected with or otherwise carries rabies.

9
10 7.7 -- DETERMINATION OF IMPOUNDMENT PERIOD. Any
11 period of time specified in this Ordinance for the keeping
12 of an impounded dog shall not include Sundays and legal holidays.

13
14 7.8 -- DISPOSITION OF ANIMALS GIVEN TO THE COUNTY
15 BY OWNER. Any dog given to the Yamhill County Sheriff by the
16 owner thereof or his authorized representative for disposal may
17 be destroyed or sold in a manner consistent with this Ordinance
18 provided that a release by the owner or his authorized
19 representative has been given in writing to the Yamhill County
20 Sheriff for such disposal.

21
22 7.9 -- DISPOSITION OF IMPOUNDED DOGS. Upon the
23 expiration of the impoundment period specified in this Ordin-
24 ance, the Yamhill County Sheriff may have the dog destroyed
25 or sold to another party. If the dog is sold to a party other
26 than the original owner thereof, a new license must be purchased

1 and an appropriate Inoculation Certificate must be produced
2 within 30 days after the dog is released to the party by the
3 Yamhill County Sheriff. Failure of the party to license the
4 dog or produce an appropriate Inoculation Certificate within
5 30 days shall subject the party to liability under § 6.1(f)
6 and § 6.1(g) of this Ordinance.

7
8 7.10 -- REDEMPTION. A dog impounded pursuant to
9 this Ordinance shall be released to the owner thereof upon
10 payment of the appropriate redemption fees set forth in this
11 Ordinance. Those fees shall include a basic impoundment
12 charge and any boarding charges if applicable. The charges
13 shall be as set forth below:

14 (a) Basic impoundment charges are: Ten Dollars
15 (\$10) for the first impoundment; Twenty
16 Dollars (\$20) for any subsequent impound-
17 ment of the same dog within a 12-month
18 period.

19 (b) In addition to the basic impoundment charges,
20 a boarding charge of Two Dollars (\$2) per day
21 or a fraction of a day shall be levied on an
22 owner redeeming a dog after that dog has been
23 impounded pursuant to this Ordinance. In
24 addition, if any boarding charge has arisen as
25 a result of a dog being originally impounded
26 in a holding facility maintained by any city,

the owner may be required to pay the boarding charge due to said holding facility.

(c) If the animal is unlicensed at the time of impoundment, a new license must be purchased by the owner and an appropriate Inoculation Certificate must be produced within 30 days after the dog is released to the party by the Yamhill County Sheriff. Failure of the party to license the dog or produce an appropriate Inoculation Certificate within 30 days shall subject the owner to liability under § 6.1(f) and § 6.1(g) of this Ordinance.

7.11 -- RIGHT OF ENTRY ONTO PRIVATE PROPERTY. In impounding any animal under this Ordinance, the Yamhill County Sheriff shall have the right to enter upon private property for the purpose of securing possession and impounding that animal and shall not be subject, civilly or criminally, for trespass.

7.12 -- TRANSFER OF TITLE. Any dog sold by the Yamhill County Sheriff pursuant to this Ordinance to any person other than the owner of the dog when it was impounded, shall vest full and complete title in this new owner thereof and the prior owner or any other third person shall be foreclosed from and of any right, title or interest in said dog.

27 -- DOG CONTROL ORDINANCE NO. 274

SECTION VIII

DISPOSITION OF LICENSE FEES AND FINES

1
2
3 8.1 -- DOG CONTROL FUND. All license fees, impound-
4 ment costs, late charges, fines and any other monies paid
5 pursuant to this Ordinance shall be paid over to Yamhill County
6 and deposited in the Dog Control Fund unless otherwise provided
7 herein.

8
9 8.2 -- ADMINISTRATION OF DOG CONTROL FUND. The
10 Yamhill County Sheriff shall administer the Dog Control Fund
11 and pay out of said Fund the costs involved in administering
12 and enforcing this Ordinance and all livestock claims allowed
13 pursuant to this Ordinance. If, at the end of the fiscal
14 year, any money in the Fund is determined by the Yamhill
15 County Board of Commissioners to be in excess of the require-
16 ments of the Dog Control Fund, said money may be transferred
17 and placed in the General Fund of the County.

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SECTION IX

BITING DOGS -- RABIES CONTROL

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9.1 -- IMPOUNDMENT OF CERTAIN ANIMALS. Whenever any animal bites any person and that animal has not had a valid and effective rabies inoculation as required by state law, or when an animal is suspected of rabies, the Yamhill County Sheriff shall apprehend and impound that animal and hold it in isolation in a suitable holding facility for a period of 10 days. During this impoundment, the animal shall be quarantined and studied to determine whether or not said animal is rabid. At the expiration of the 10-day period, the animal shall be released to the owner thereof, if known, without charge. Provided no citation has been issued pursuant to this Ordinance. Otherwise, the animal shall be disposed of as provided in § VII of this Ordinance.

9.2 -- PROHIBITED CONDUCT. It shall be a violation of this Ordinance for any owner or keeper of a dog which has bitten a person when that dog had not been effectively inoculated against rabies, to refuse to surrender that animal to the Yamhill County Sheriff when the Yamhill County Sheriff makes demand upon that individual for the surrender of said animal.

9.3 -- RABIES OUTBREAK. In the event of a rabies outbreak within Yamhill County, the Yamhill County Sheriff shall be empowered to use such portions of the Dog Control Fund as he deems necessary to purchase rabies vaccines for

1 for administering to animals under the direction of state and
2 local health officers.

3
4 SECTION X

5 LIVESTOCK CLAIMS

6 10.1 -- SUBMISSION OF CLAIMS. The owner of any
7 livestock, ducks, geese or rabbits killed by any dog may,
8 within 10 days after the occurrence of killin , or when it
9 becomes known to him, present to the Dog Control Advisory
10 Committee or the Yamhill County Clerk a verified statement
11 containing a full account of such killing, stating in detail
12 the amount of damage claimed on account thereof, and the name
13 and address of the owner or keepr of the dog, if known. Upon
14 receipt of said claim, the County Clerk will submit it to the
15 Dog Control Advisory Committee to be heard at said Committee's
16 first regular session thereafter.

17
18 10.2 -- REVIEW OF CLAIMS. The Dog Control Advisory
19 Committee shall review all livestock claims submitted and
20 shall allow or deny any portion thereof as it deems just;
21 not to exceed the market value of said livestock. In the
22 event the Committee does allow all or any part of a livestock
23 claim, said claim shall be paid out of the Dog Control Fund in
24 return for a Subrogation Agreement allowing the Yamhill County
25 District Attorney to seek damages against the owner of the dog
26 for the amount paid out of the Dog Control Fund. The Yamhill

1 County Sheriff shall prepare forms for the submission of
2 livestock claims and make the same available to the general
3 public. Any monies collected by the District Attorney
4 pursuant to this § shall, after deduction for the costs of
5 prosecution, be paid into the Dog Control Fund. The District
6 Attorney shall have full discretion to prosecute, not
7 prosecute, compromise or settle any action arising out of
8 this §.

11 SECTION XI

12 AUTHORITY TO CONTRACT WITH
13 OTHER GOVERNMENTS

14 11.1 -- INTERGOVERNMENTAL AGREEMENTS. The Yamhill
15 County Board of Commissioners shall be authorized to enter
16 into intergovernmental agreements with any or all of the cities
17 in Yamhill County for the furtherance of the purposes of this
18 Ordinance. Any such agreements shall require the city to
19 enact a dog control ordinance which provides that all dogs within
20 that city shall be subject to the licensing requirements of this
21 Ordinance and provide for substantially the same violations and
22 penalties as provided herein. The governing body of the city may
23 choose to consent to the application of this Ordinance within its
24 boundaries. Any such agreement may also provide for the sharing
25 of revenues from the Dog Control Fund for the purpose of
26 effective dog control within Yamhill County.

31 -- DOG CONTROL ORDINANCE NO. 274

SECTION XII

ENACTMENT PROVISIONS

1
2
3 12.1 -- RELATION TO OTHER LAWS. Except as expressly
4 provided herein, this Ordinance shall in no way be a substitute
5 for or eliminate the necessity of conforming with any and all
6 state and federal laws, rules and regulations, and any other
7 ordinances which are now, or may in the future be, in effect
8 which relate to the requirements provided in this Ordinance.
9

10 12.2 -- SEPARABILITY. If any chapter, section,
11 subsection, sentence, clause, phrase or portion of this
12 Ordinance is, for any reason, held invalid or unconstitutional
13 by a court of competent jurisdiction, such portion shall be
14 deemed a separate, distinct and independent provision and such
15 holding shall not affect the validity of the remaining portions
16 of this Ordinance.
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SECTION XIII

ENFORCEMENT PROCEDURES

13.1 -- MANNER OF CITATION. A Uniform Dog Control Citation, conforming to the requirements of this §, shall be used for all dog control violations committed in the presence of the complainant and which occur within the areas of Yamhill County which are covered by this Ordinance.

13.2 -- UNIFORM DOG CONTROL CITATION. The Uniform Dog Control Citation shall consist of three parts and such additional parts as may be inserted for administrative use. The required parts are as follows:

- (a) Complaint.
- (b) Yamhill County Sheriff's record of the violation.
- (c) Summons.

Each of the parts shall contain the following information or blanks in which the information shall be entered:

- (a) Name of the court.
- (b) Name of the person cited.
- (c) Section of the Dog Control Ordinance violated.
- (d) Brief description of the violation with which the person is charged, in such a manner as can readily be understood by a person making a reasonable effort to do so; the date, the time and place at which the violation occurred, the date on which the Citation was issued, and the

33 -- DOG CONTROL ORDINANCE NO. 274

1 name of the complainant.

2 (e) The time and place set for the person cited to
3 appear in court.

4 Each of the parts may also contain such identifying
5 and additional information as may be necessary or appropriate
6 for the Yamhill County Sheriff to administer this Ordinance.

7
8 13.3 -- AMENDMENT OF UNIFORM DOG CONTROL CITATION.

9 Any error in transcribing the information in the blanks
10 provided on the Uniform Dog Control Citation form, when determined
11 by the court to be nonprejudicial to the defendant, may be
12 corrected at the time of trial or prior to trial, with notice
13 being given to the defendant.

14
15 13.4 -- TIME TO RAISE ERRORS ON CITATION. Except as

16 provided in subsection 13.3 above, the complaint shall be set
17 aside by the court only upon the motion of the defendant before
18 plea if it does not conform to the requirements of this §.

19
20 13.5 -- CERTIFICATION OF UNIFORM DOG CONTROL CITATION.

21 The Citation shall contain a form of certificate by
22 the complainant to the effect wherein he certifies that he has
23 reasonable grounds to believe and does believe that the person
24 cited committed the offense contrary to law. The certification,
25 if made by the Yamhill County Sheriff or any peace officer, need
26 not be made before a magistrate or any other person. A private

1 person shall certify before a magistrate, clerk or deputy clerk
2 of the court, and this action will be entered in the Court
3 Record. A certificate conforming to this § shall be deemed
4 equivalent to a sworn complaint.

5

6 13.6 -- SERVICE OF CITATION. The Yamhill County
7 Sheriff or a city police officer issuing the Citation shall
8 cause the Summons to be delivered to the person cited and shall
9 cause the Complaint to be delivered to the court. When the
10 Complaint is certified by a private person, the court shall cause
11 the Summons to be delivered to the defendant.

12

13 13.7 -- APPEARANCE BY DEFENDANT. The defendant shall
14 appear in court at the time mentioned in the Summons if the
15 Citation is for:

16

(a) Owning a vicious or dangerous dog.

17

(b) Owning a dog not vaccinated for rabies.

18

In other cases, the defendnat shall either appear in
19 court at the time indicated in the Summons or, prior to such time,
20 shall deliver the Summons to the court, together with a check or
21 money order in the amount of the bail set forth in the Summons,
22 and enclosing therewith:

23

(a) A request for hearing; or

24

(b) A statement of explanation or mitigation of the
25 offense charged; or

25

26

(c) The executed appearance, waiver of hearing and

35 -- DOG CONTROL ORDINANCE NO. 274

1 plea of guilty appearing on the Summons. A
2 statement in explanation or mitigation also may
3 be enclosed with the guilty plea.

4 If a defendant submits a written statement to the court
5 as provided in § 13.5, it operates as a Waiver of Hearing and
6 Consent to Judgment by the court, declaring a forfeiture of bail
7 on the basis of such statement and any testimony or written state-
8 ment of the arresting officer or other witnesses which may be
9 presented to the court. A judgment by the court declaring a
10 forfeiture of bail, pursuant to this §, shall be deemed a convic-
11 tion of the offense charged in the Citation.

12
13 13.8 -- FAILURE OF DEFENDANT TO APPEAR.

- 14 (a) If the defendant fails to comply with § 13.7 or
15 fails to appear at any time fixed by the court, a
16 warrant for his arrest may be issued.
- 17 (b) If the defendant fails to appear at any time fixed
18 by the court and has posted bail, the court may
19 order a forfeiture of that bail. No warrant of
20 arrest may be issued pursuant to § 13.8(a) after
21 a period of 60 days from the date of the entry of
22 an order declaring a forfeiture of bail or other
23 security given by the arrested person. Unless a
24 warrant has been issued before the expiration of
25 that period, the order of forfeiture shall be
26 deemed the final disposition of the case and

1 shall be deemed a conviction of the offense
2 charged in the Citation.

3
4 13.9 -- IMPOUNDMENT OF ANIMALS VIOLATING THIS ORDINANCE.

5 In addition to issuing a Citation provided for in
6 this §, the Yamhill County Sheriff may also impound the dog
7 or the animal involved in a violation of this Ordinance in all
8 cases where the owner or keeper of the animal is not available
9 to assume custody and control of it. Further, in all cases
10 where the animal is in violation of the §§'s of this Ordinance
11 providing for keeping a vicious dog, or rabies control, the
12 animal shall be impounded regardless of whether the owner is
13 available to assume control of the animal.

14
15 13.10 -- CONTINUING VIOLATION. A continuing violation
16 of this Ordinance shall constitute a nuisance and may be abated
17 pursuant to ORS 203.127 or the Yamhill County Nuisance Ordinance
18 if one exists.

19
20 SECTION XVI

21 PENALTIES FOR VIOLATION
22 OF THIS ORDINANCE

23 14.1 -- FINES. Penalties for violation of this
24 Ordinance shall be as follows:

- 25 (a) For violation of § 6.1(a) of this Ordinance,
26 a fine not to exceed \$500.

37 -- DOG CONTROL ORDINANCE NO. 274

- (b) A violation of § 6.1(b) of this Ordinance shall be punishable by a fine of not more than \$25 for the first violation or not more than \$50 for each additional violation. Further, in addition to any fines, if the dog has been repeatedly found to be a public nuisance as defined in this Ordinance, the court may order such disposition of the dog that the court considers necessary for the safety or health of the public.
- (c) For a violation of § 6.1(c) of this Ordinance, a fine not to exceed \$500.
- (d) For a violation of § 6.1(d) of this Ordinance, a fine not to exceed \$500.
- (e) For a violation of § 6.1(e) of this Ordinance, a fine not to exceed \$500.
- (f) For a violation of § 6.1(f) of this Ordinance, a fine not to exceed \$500.
- (g) For a violation of § 6.1(g) of this Ordinance, a fine not to exceed \$500.
- (h) For a violation of § 6.2 of this Ordinance, a fine not to exceed \$500.
- (i) For a violation of § 6.3 of this Ordinance, a fine not to exceed \$500.
- (j) For a violation of § 7.9 of this Ordinance, a fine not to exceed \$500.

26 ////

(k) For A violation of § 9.2 of this Ordinance, a
fine not to exceed \$500.

14.2 -- FINES IN ADDITION TO ANY CHARGES UNDER THIS
ORDINANCE. The penalties described in this § shall be in addition
to any charges assessed against the owner or the keeper of any
animal under this Ordinance for the licensing, impoundment, and
maintenance of said animal.

SECTION XV
EFFECTIVE DATE

15.1 -- EFFECTIVE UPON APPROVAL. This Ordinance be-
ing necessary for the health, safety and welfare of the people
of Yamhill County, and the Board of Commissioners having declared
an emergency to exist, it shall be effective upon the approval
hereof.

SECTION XVI
APPLICATION

16.1 -- COVERAGE. This Ordinance shall apply to all
of Yamhill County save and except those incorporated areas
within Yamhill County which have established their own dog
licensing and dog control programs.

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39 -- DOG CONTROL ORDINANCE NO. 274

1 NOW, THEREFORE, after Public Hearing and First Reading
2 on July 29, 1981 and after Public Hearing and Second Reading on
3 August 26, 1981 before the Yamhill County Board of Commissioners
4 in regular session and, upon a motion duly made and regularly
5 passed, this Ordinance was adopted the 26th day of August,
6 1981.

7
8 ATTEST:
9 CHARLES STERN, County Clerk

YAMHILL COUNTY BOARD OF COMMISSIONERS:

10
11 by Patricia A. Mullen
PATRICIA A. MULLEN, Deputy

Colin Armstrong
Chairman COLIN ARMSTRONG

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI

Robin J. Hamblet
Commissioner ROBIN J. HAMBLET

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18 APPROVED AS TO FORM
19 by:
N. Robert Shields
20 N. ROBERT SHIELDS,
21 ASSISTANT COUNTY COUNSEL

ADDENDUM I

OREGON ADMINISTRATIVE RULES
CHAPTER 333, DIVISION 21 — HEALTH DIVISION

Rules for Rabies Control

Definitions

333-21-100 For purposes of ORS 433.340 to 433.390 and these rules:

(1) An animal is suspected of having rabies when:

(a) It is not known to be satisfactorily vaccinated against rabies as specified in rule 333-21-135; and exhibits one or more of the following abberational behaviours:

(A) Unprovoked biting of persons or other animals (including others than defined herein);

(B) Paralysis or partial paralysis of the limbs;

(C) Marked excitation, muscle spasms, difficulty swallowing, apprehensiveness, delirium, or convulsions;

(D) Unusual aggressive or unnatural behavior toward humans, animals, (including others than defined herein), or inanimate objects; or

(b) It has bitten a person but is not known to be satisfactorily vaccinated against rabies, as specified in rule 333-21-135, and belonging to a species shown to have a significant rate of rabies infection in surveillance specimens.

(2) An animal is considered in close contact or to have been in close contact with an animal suspected of having rabies when it is:

(a) An animal which has within the past 180 days been bitten by another animal known to be infected with rabies, belonging to a species shown to have a significant rate of rabies infection in surveillance specimens or suspected of rabies as defined in section (1) of this rule.

(b) An animal which is closely confined in the same premises or has been observed to be mouthing, mauling, or in similar direct contact with another animal known to be rabid, belonging to a species shown to have a significant rate of rabies infection in surveillance specimens or suspected of rabies as defined in section (1) of this rule.

(3) "Animal" means a dog or other animal of a species susceptible to rabies. Animals susceptible to rabies are mammals which include, but are not limited to, bats, cats, dogs, cows, horses, coyotes, foxes, raccoons, and skunks.

(4) The words "bite" or "bitten" mean breaking of the skin by the teeth of the biting animal or possible introduction of saliva of the biting animal by means of mouthing a fresh abrasion of the skin.

(5) "Quarantine" means the restriction of movement of animals of a general group or specified type within a specified geographic area.

(6) "Isolation" means the secure restraint of a specific animal by means of a strong metal leash, closed cage, secure fenced-in area, or pound or other approved building or facility affording such security from any other animal or person.

(7) "An animal of a species shown to have a significant rate of rabies infection surveillance specimens" means a bat, cat, skunk, coyote, dog, fox, raccoon, or other carnivorous species as reported by national or state surveillance reports.

Stat. Auth.: ORS Ch. 433
Hlst: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73

Reporting

333-21-105 (1) Whenever an animal bites any person and is suspected of rabies or having been in close contact with an animal suspected of rabies, the facts shall be immediately reported to the local health officer by any person having direct knowledge (ORS 433.345), or, if unavailable, to the State Public Health Officer.

(2) Any person having direct knowledge of the whereabouts of an animal known to have rabies or suspected of having rabies whether or not it has bitten a person shall report the fact immediately to the local health officer, or, if unavailable, to the State Public Health Officer.

(3) Persons required to report under this section include, but are not limited to, dog control officers, peace officers, owners of animals, persons having care of such animals, persons bitten by such animals, physicians attending persons bitten by such animals, and veterinarians.

Stat. Auth.: ORS Ch. 433

Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73

Animal Contacts

333-21-110 Any animal of a species subject to rabies which has been bitten by a known rabid or suspected rabid animal or has been in close contact with a rabid or suspected rabid animal shall be placed in isolation, as defined in section 333-21-100(6), as required by the Public Health Officer, his representative, or the Department of Agriculture, for a period of six months, or destroyed. Exception is permitted in the case of animals that are satisfactorily vaccinated as specified in rule 333-21-135.

Stat. Auth.: ORS Ch. 433

Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73

Handling and Disposition of Animals Which Have Bitten Persons

333-21-115 (1) After having bitten any person, any dog or cat suspected of rabies or having been in close contact with an animal suspected of rabies, shall be isolated as defined in section 333-21-100(6) under the observation of a licensed veterinarian, or by a person designated by the local health officer, for a minimum of ten days.

(2) The head of any animal besides a dog or cat, in one of the following categories shall be submitted immediately to the State Public Health Laboratory for rabies examination rather than maintaining the animal alive for a period of observation:

(a) Any animal suspected of rabies or having been in close contact with an animal suspected of rabies as defined in rule 333-21-100 which is not known to be satisfactorily vaccinated for rabies as defined in rule 333-21-135 and has bitten any person.

(b) Any bat, coyote, fox, raccoon, or skunk that has bitten any person regardless of whether the animal is suspected of rabies as defined in subsection 333-21-100(1)(a) and regardless of whether the animal has been maintained in captivity or as a domestic pet.

(3) Notwithstanding section (1) of this rule, when any animal including a dog or cat, that has not been satisfactorily vaccinated against rabies as specified in rule 333-21-135 has inflicted a severe, unprovoked bite to the face, head, or neck of a person, immediate notification to the local health officer shall be made, and upon the health officer's consultation with the Oregon State Health Division or authorized representative, the animal may be required to be sacrificed (euthanized) immediately in a manner that will preserve the whole head intact in order to permit laboratory examination of the brain. In the event the animal is not given up for sacrifice, the Administrator of the State Health Division may order possession of the animal to be relinquished to the local health officer in accordance with the requirements of ORS 433.350.

Stat. Auth.: ORS Ch. 433

Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73; HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

Investigation and Area Quarantine

333-21-120 Reporting procedure:

(1) Whenever a case of animal or human rabies occurs, the fact shall be reported to the Administrator of the State Health Division and the State Department of Agriculture.

(2) The State Department of Agriculture in consultation with the Administrator of the State Health Division shall establish such quarantine under ORS Chapter 596 as the department may deem necessary and may require counties to impose the inoculation system under ORS 433.365, subject to terms and conditions imposed by the State Department of Agriculture and the Administrator of the State Health Division (ORS 433.360).

Stat. Auth.: ORS Ch. 433
Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73; HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Local Authority

333-21-125 Nothing in these rules is intended or shall be construed to limit the power of any city, city and county, county or district in its authority in the exercise of its police power under any other provisions of law to enact more stringent requirements, to regulate and control animals within the boundaries of its jurisdiction.

Stat. Auth.: ORS Ch. 433 & 596
Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73; HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Antirabies Vaccine

333-21-130 (1) See Figure 1 for Rabies Vaccine Chart.

(2) The administration of rabies vaccine to animals shall be in accordance with ORS Chapter 686.

Vaccination of Animals Against Rabies

333-21-135 An animal shall be considered to be satisfactorily vaccinated against rabies for purposes of these regulations, when it has been injected at three months of age or older with vaccine listed under section 333-21-130(1) within the maximum duration of immunity period stated therein for such vaccine.

Stat. Auth.: ORS Ch. 433
Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73

Exemptions from Rabies Inoculation

333-21-136 (1) In addition to the exemptions provided by statute:

(a) An exemption for a specifically described dog (age, name, sex, color and breed) may be obtained from an examining veterinarian when in the veterinarian's professional judgment an exemption is necessary for health reasons. Such judgment shall be evidenced by a written statement on the face of the official Rabies Certificate specifying the health reason. If, in the veterinarian's judgment, the reason for the exemption is not permanent, he shall state on the certificate the date the exemption ceases.

(b) Dogs less than 4 months of age or without permanent canine teeth are exempted.

(c) Exemption is given to dogs owned by dealers, breeders, or exhibitors where they are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders, or exhibitors to and from a dog show or fair (ORS 609.100(3)).

(2) Those dogs exempted by statute because brought into the state temporarily for periods of less than 30 days, shall be kept under strict supervision by their owners.

Stat. Auth.: ORS Ch. 431 & 433
Hist: HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

ADDENDUM I

Certificate of Inoculation

333-21-137 (1) The form for the certificate of inoculation to be issued and signed by the veterinarian shall be serially numbered and in triplicate and shall provide for the following information: owner's name and address; dog description by age, sex, color and breed; date of inoculation and due date of re-inoculation, type of product used as determined by rule 333-21-130, lot number and expiration date of biologic and tag number. The form shall include a certification to be signed by the inoculating veterinarian that the dog identified therein has been inoculated as specified and that the vaccine is one designated under rule 333-21-130. One certificate per dog shall be used.

(2) The veterinarian shall give the original and one copy of the inoculation certificate to the dog owner and retain one copy. The owner of the inoculated dog shall submit a copy of the Rabies Inoculation Certificate to the county clerk or animal control office serving his area of residence with the fee fixed, if any, pursuant to ORS 433.380.

(3) Veterinarians shall obtain Health Division prescribed inoculation certificate forms from the Department of Agriculture, Salem, Oregon.

Rabies Tag

333-21-138 The rabies tag shall be designed and worn by the dog as prescribed by statute. The county dog license tag may, in the discretion of the county, serve this dual purpose so long as it meets the statutory requirements and so long as no license tag is issued which is valid beyond the expiration date of the immunity as specified in the inoculation certificate, provided that a period not exceeding 2 months leeway is permitted.

Stat. Auth.: ORS Ch. 431 & 433

Hist: HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

Emergency Rabies Inoculation

333-21-139 Where there are no veterinary services available or where they are inadequate, and when petitioned by a county board of commissioners, the Oregon State Health Division or Oregon State Department of Agriculture shall provide rabies inoculation at a reasonable fee to the animal owner.

Stat. Auth.: ORS Ch. 431, & 433

Hist: HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

Laboratory Examination

333-21-140 (1) If any rabid animal or suspected rabid animal that has bitten a person dies or has been killed, the head of such animal shall be sent properly refrigerated to the Oregon State Public Health Laboratory or other qualified laboratory designated by the Health Division. Shipping instructions may be obtained from the local health officer or from the Public Health Laboratory, or the Epidemiology Section, Oregon State Health Division.

(2) If any rabid animal or suspected rabid animal that has bitten another animal dies or has been killed, the head of such animal shall be sent properly refrigerated to the Veterinary Diagnostic Laboratory, Oregon State University, Corvallis, Oregon.

(3) No person shall destroy or allow to be destroyed the head of an animal of a species subject to rabies that has bitten or otherwise exposed a person without authority from the State Public Health Officer.

Stat. Auth.: ORS Ch. 433

Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73

Enforcement

333-21-145 (1)(a) All rules made pursuant to ORS 431.130 shall be binding upon all county and municipal officers and other persons affected by the statutes listed in ORS 431.130 and shall have the force and effect of law.

(b) All executive officers, including police officers, sheriffs, and employees of the state, shall enforce such rules subject to the authority of the Administrator of the State Health Division or his representative.

(2) Any animal found at large during a period of quarantine shall be impounded and held for disposition by the state or local health administrator or the State Department of Agriculture representative, or local authority clothed with such authority.

(3) The local health officers hereby are charged with the strict and thorough enforcement of the Public Health Laws of this state in their districts, under the supervision of and direction of the Health Division. They shall make an immediate report to the Division of any violation of such laws coming to their notice by observation, or upon the complaint of any person, or otherwise (ORS 431.150(1)).

Stat. Auth.: ORS Ch. 431 & 433

Hist: HB 280 and HD 28A, f. 1-16-73, ef. 2-1-73; HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

Penalties

333-21-150 Failure to comply with the requirement for rabies inoculation is a misdemeanor punishable by a maximum penalty of \$1,000 or one year's imprisonment.

Stat. Auth.: ORS Ch. 431 & 433

Hist: HD 96(Temp), f. & ef. 11-19-75; HD 108, f. & ef. 3-16-76

In the Matter of Rules)
 Relating to Rabies Control)
 Pursuant to authority of)
 ORS 433.340 to 433.390,)
 431.110, 431.130, and the)
 Rules and Regulations Adop-)
 ted by the Oregon State)
 Board of Health Relating to)
 the Handling and Disposition)
 of Animals Which Have Bitten)
 Persons.)

DELEGATION OF AUTHORITY

TO

THE YAMHILL COUNTY SHERIFF

WHEREAS, the Yamhill County Health Officer has the responsibility for administering the rules and regulations of the State Board of Health relating to rabies control in Yamhill County; and

WHEREAS, the State Board of Health has authorized the Yamhill County Health Officer to designate a person who shall handle and dispose of any dog or cat which has bitten a person and is suspected of having rabies or having been in close contact with an animal suspected of having rabies;

NOW, THEREFORE, the Yamhill County Health Officer hereby delegates to the Yamhill County Sheriff the following authority:

I

The Yamhill County Sheriff shall suspect a dog or a cat of having rabies when it has bitten a person but is not known to be satisfactorily vaccinated against rabies as specified in the Administrative Rules of the Oregon State Board of Health.

II

"Isolation" means the secure restraint of a specific animal by means of a strong metal leash, closed cage, secure fenced-in area, or pound or other approved building or facility affording such security from any other animal or person.

III

After having bitten any person, any dog or cat suspected of rabies or having been in close contact with an animal suspected of having rabies, shall be isolated, as defined hereinabove, by the Yamhill County Sheriff or at his direction for a minimum of 10 days. Exception is made for an animal that is satisfactorily vaccinated as specified by the Rules and Regulations of the Oregon State Board of Health as hereinabove described.

IV

Whenever a dog or cat bites any person and is suspected of rabies or having been in close contact with an animal suspected of having rabies, the facts shall be immediately reported by the Yamhill County Sheriff to the Yamhill County Health Officer.

DATED this 24 day of July, 1981.

R. E. Ragan
R. E. RAGAN, M.D.
Yamhill County Health Officer