

DONE at McMinnville, Oregon this 12th day of July, 2001.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

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**Yamhill County Dog Control Ordinance
Ordinance 692**

TABLE OF CONTENTS

	Page
SECTION 1. POLICY, PURPOSE AND TITLE	
1.1 Policy	1
1.2 Purpose	1
1.3 Title	1
1.4 Disposition of Base Fines Collected for Violations	1
SECTION 2. DEFINITIONS	
2.1 General Definitions	1
2.2 Specific Definitions	2
SECTION 3. DOG CONTROL ADVISORY COMMITTEE	
3.1 Dog Control Advisory Committee	3
3.2 Powers of the Dog Control Advisory Committee	4
SECTION 4. ENFORCEMENT AND ADMINISTRATION	
4.1 Powers of Sheriff	4
4.2 Officers Working with Dogs	4
4.3 Other Enforcement Officers	4
4.4 Yamhill County Health Officer	5
SECTION 5. LICENSING OF DOGS	
5.1 Licensing Procedures	5
5.2 Reciprocal Licensing Procedure	5
5.3 Inoculation Requirements	6
5.4 License Fee and Late License Fee	6
5.5 License Tag	7
5.6 Lost License Tag	7
5.7 License Tag Transfer	7
5.8 License Fees Are Not Penalties	7
5.9 Authority to Provide for License Outlets	7
SECTION 6. DOG FACILITIES, LICENSING, AND INSPECTION	
6.0 Right to Revoke License	8
6.1 Coverage	8
6.2 Licensing Requirement	8
6.3 Land Use	8
6.4 Commercial and Non-Commercial Kennels	8
6.5 License Review Procedure	9

6.6	Display of License	9
6.7	Standards for Licensing of Kennel Facilities	9
6.8	Denial and Revocation of License	11
6.9	Appeal from Denial or Revocation of License	11
6.10	Inspection	11
6.11	Record-keeping	12
SECTION 7. PROHIBITED CONDUCT		
7.1	Owner or Keeper of Dogs	12
7.2	Hindering Impoundment	14
7.3	Penalties	15
SECTION 8. IMPOUNDMENT AND DISPOSITION OF IMPOUNDED DOGS		
8.1	Dog Control Facilities	15
8.2	When an Animal May Be Impounded	15
8.3	When an Animal Is Deemed Impounded	16
8.4	Disposition or Destruction of an Impounded Animal	16
8.5	Notice of Impoundment	16
8.6	Period of Impoundment	16
8.7	Determination of Impoundment Period	17
8.8	Disposition of Animals Given to the County by Owner	17
8.9	Disposition of Impounded Animals	17
8.10	Redemption	18
8.11	Right of Entry Onto Private Property	18
8.12	Transfer of Title	18
8.13	Right of Police Officer or Sheriff's Deputy to Request Impoundment	18
SECTION 9. DISPOSITION OF LICENSE FEES AND FINES		
9.1	Dog Control Fund	18
9.2	Disposition of Dog Control Fund	19
9.3	Rabies Outbreak	19
SECTION 10 LIVESTOCK CLAIMS		
10.1	Submission of Claims	19
10.2	Review of Claims	19
10.3	Right of Action by Owner of Damaged Livestock	20
SECTION 11 DOGS THAT KILL OR INJURE LIVESTOCK		
11.1	Immediate Destruction	20
11.2	Hearing by Board of Commissioners	20
11.3	Disputable Presumption	20
11.4	Alternative Disposition - Dog Chasing Livestock	20

SECTION 12	AUTHORITY TO CONTRACT WITH OTHER GOVERNMENTS	
12.1	Intergovernmental Agreements	21
SECTION 13	ENACTMENT PROVISIONS	
13.1	Relation to Other Laws	21
13.2	Severability	21
SECTION 14	ENFORCEMENT PROCEDURES	
14.1	Manner of Citation	21
14.2	Uniform Dog Control Citation	21
14.3	Amendment of Uniform Dog Control Citation	22
14.4	Time to Raise Errors on Citation	22
14.5	Certification of Uniform Dog Control Citation	22
14.6	Service of Citation	23
14.7	Appearance by Defendant	23
14.8	Failure of Defendant to Appear	24
14.9	Continuing Violation	24
SECTION 15	APPLICATION	24
SECTION 16	REPEAL OF PREVIOUS ORDINANCES	24
SECTION 17	BAIL AND CONDITIONS OF OWNERSHIP	24
DOG CONTROL FEES	28

POLICY, PURPOSE AND TITLE

1.1 **POLICY.** The Board of Commissioners of Yamhill County recognizes that ORS Chapter 609 grants non-home rule counties the power to regulate dogs by ordinance and that on July 5, 1929, Yamhill County was 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.

The Board further recognizes 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 ordinance. Pursuant to both ORS Chapter 609 and ORS Chapter 203, the Board finds it necessary to implement a program for the licensing and regulation of dogs and the facilities which house them; to protect the health, safety, and welfare of the residents and citizens of Yamhill County; to recognize the property rights of both owners and non-owners of dogs; and to provide for the control and protection of dogs located within the county.

1.2 **PURPOSE.** This ordinance 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 ordinance is intended to supercede ORS chapter 609 except as specifically provided in this ordinance, or in instances in which this ordinance does not provide a parallel rule, definition, or procedure.

1.3 **TITLE.** This ordinance may be cited as the "Yamhill County Dog Control Ordinance."

1.4 **DISPOSITION OF BASE FINES FOR VIOLATIONS.** Upon receipt of base fines imposed for violations of this ordinance, 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 Yamhill County Treasurer who shall deposit it in a designated Dog Control fund accessible to Dog Control officers. In no case shall the money remitted to the Treasurer be less than thirty dollars (\$30) per cited violation. Additionally, each conviction shall be accompanied by an automatic court assessment of \$25. This revenue shall be paid to Yamhill County Dog Control for maintenance, upgrade, or purchase of buildings, vehicles, equipment, medical supplies, animal food or personnel expenses.

SECTION 2

DEFINITIONS

2.1 **GENERAL DEFINITIONS.** As used in this ordinance, 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.

2.2 SPECIFIC DEFINITIONS

As used in this ordinance:

- a) **"Animal"** means any non-human 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) **"Board"** means the Yamhill County Board of Commissioners.
- d) **"Dog"** means any mammal of the domestic canine family.
 - 1) **"Small dog"** means a dog of any breed for which the recognized standard specifies a height, measured perpendicularly at the withers, of 15 inches or less and/or a weight so specified not to exceed 30 pounds.
 - 2) **"Medium dog"** means a dog of any breed for which the recognized standard specifies a height, measured perpendicularly at the withers, of more than 15 inches but not exceeding 25 inches and/or a weight so specified of more than 30 pounds, but not exceeding 60 pounds.
 - 3) **"Large dog"** means a dog of any breed for which the recognized standard specifies a height, measured perpendicularly at the withers, of more than 25 inches and/or a weight so specified of more than 60 pounds.
- e) **"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.
- f) **"Household pet"** means a domesticated animal kept for the personal use, pleasure, and enjoyment of the owner.
- g) **"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.
- h) **"Kennel"** means a commercial or non-commercial site providing for the accommodation of three or more fertile or five or more spayed/neutered dogs of licensable age, or any combination thereof, where such dogs are kept for household pets, rescue or seeing-eye training, board, propagation, other training, sale or trade, consumption., or other purposes.
- i) **"Livestock"** means horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl, and any fur-bearing animal bred and maintained commercially or otherwise, within pens, corrals, pasture land, cages, and/or hutches.

j) **“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 ordinance, in a family situation, the head of the household is presumed to be the owner or keeper.

k) **“Person”** means an individual, a partnership, company, association, corporation, or any other legal entity.

l) **“Sheriff”** means the Yamhill County Sheriff, any Deputy Sheriff, or the Sheriff’s employee or designee.

m) **“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.

n) **“Veterinary hospital”** means any business establishment maintained and operated by a veterinarian for the diagnosis and treatment of diseases and injuries to animals.

o) **“Bite”** means any tearing, abrasion, puncture, contusion, hematoma, contusion, or other damage to the skin or clothing of any person or animal by the operation of a dog’s jaws and/or teeth.

p) **“Immediate control”** means under close, restrained custody in immediate physical proximity (e.g. leashed).

q) **“In public”** means any space physically open to the public whether publicly or privately owned, including roadways, sidewalks, shopping mall walking areas, parking lots, parks, schoolyards, shared public accessways, residential complex common areas, alleyways, walkways, or other areas.

SECTION 3

ADVISORY COMMITTEE

3.1 **DOG CONTROL ADVISORY COMMITTEE.** There shall be a Dog Control Advisory Committee which shall consist of five residents of Yamhill County. At least one member of the committee shall reside within a city in Yamhill County; at least one member shall be directly connected with dogs; at least one member shall be selected from the unincorporated areas of the county; and at least one member shall be directly connected with the livestock industry. The members shall serve at the pleasure of the Board of Commissioners, without pay. Members of the committee shall serve for two years or until replaced by the Board. No person shall serve more than two consecutive terms as a member of the committee. Members of the committee shall select from their number a chairman who shall preside at all meetings and a secretary who shall keep the minutes of the meetings and other proceedings. A quorum for the transaction of business shall consist of three

members. The committee shall meet upon the call of the chairman or upon the call of any three members. Regularly scheduled meetings may be established in the discretion of the committee.

3.2 POWERS OF THE DOG CONTROL ADVISORY COMMITTEE. The Dog Control Advisory Committee may review all claims against the Dog Control Fund for livestock killed by a dog, and may make general policy recommendations to the Board of Commissioners concerning the amounts to be paid upon such claims. The committee may, as it deems necessary, advise the Board on matters related to Dog Control .

SECTION 4

ENFORCEMENT AND ADMINISTRATION

4.1 POWERS OF THE SHERIFF. The Sheriff shall have authority under this ordinance:

- a) To make arrests and issue citations for violations of this ordinance;
- b) To collect all fees and base fines specified by this ordinance;
- c) To otherwise enforce and administer the provisions of this ordinance;
- d) To take other action necessary to reduce the damage inflicted by dogs upon livestock and other domestic animals;
- e) To investigate claims against the Dog Control Fund; and
- f) To subpoena persons to testify in the hearing of claims against the Dog Control Fund.

The Sheriff shall 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.

4.2 OFFICERS WORKING WITH DOGS. In designating personnel to work with dogs, the Sheriff 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;
- d) Other relevant experience and/or training.

4.3 OTHER ENFORCEMENT OFFICERS. In addition to any power otherwise conferred by Oregon law, a peace officer shall have the power to arrest and cite violators of this ordinance and to impound dogs which have committed acts subjecting its owner or keeper to a penalty under this ordinance.

4.4 **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.*

SECTION 5

LICENSING OF DOGS

5.1 LICENSING PROCEDURE.

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:

- 1) Acquires permanent canine teeth;
- 2) Reaches six months of age; or
- 3) Is present in Yamhill County for more than 30 days, whether consecutive or not.

b) When required, a license shall be purchased from the Yamhill County Dog Control office or a sales outlet authorized under Section 5.9 of this ordinance.

c) The first day of the month in which a dog is first licensed in Yamhill County shall be the dog's licensing anniversary date. The owner or keeper of the dog shall relicense the dog each year thereafter, on or within 30 days of its anniversary date.

d) The Dog Control office shall keep a numbered record of all licenses issued, including information on the sex and breed of dog, and name and address of owner or keeper.

e) A license under this section is not required for a dog kept in this county, if the owner or the dog resides outside of Yamhill County and if the dog is validly licensed in the jurisdiction where the owner resides.

5.2 RECIPROCAL LICENSING PROCEDURE.

a) Reciprocal licensing procedures shall apply:

- 1) If the owner or keeper of a dog changes residence to Yamhill County while the dog is validly licensed in another Oregon jurisdiction; or
- 2) 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 established by board order, 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) A license issued under this subsection shall be valid for the remainder of the original license period, but shall not be valid for more than one year even if the original license period extends for more than one year.

d) The licensing anniversary date of a dog receiving a reciprocal license under this subsection shall be the first day of the month in which the dog was licensed in an Oregon jurisdiction other than Yamhill County.

5.3 INOCULATION REQUIREMENTS. 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.

5.4 LICENSE FEE AND LATE LICENSE FEE.

a) The license fee charged for the yearly license shall be established by order of the Board of Commissioners, and shall include separate fees in the following categories:

1) 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;

2) 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 to 75 years of age;

3) 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 75 years of age or older; the person may be eligible for a super senior discount.

4) For each dog kept in a kennel; and

5) For all other dogs.

b) A fee shall be charged for each license, as established by Board Order. This fee is due and payable on application for a dog license. If a dog owner or keeper pays the license fee but fails to supply the required proof of rabies inoculation within thirty days of such payment, the amount shall be forfeited by the owner and retained by Dog Control. A license may be issued immediately upon a dog being purchased or adopted from Dog Control, whereupon the buyer or adopter has thirty (30) days to return proof of the rabies inoculation certificate.

c) Any dog owned by a blind or deaf person and used as a guide dog shall be licensed as required in this ordinance but shall not be required to pay a license fee upon proffer of a letter or certificate or other sufficient evidence from a reputable training facility or vendor attesting to the dog's status as a helper animal for the handicapped.

d) Late License. A late license fee shall be assessed against any owner or keeper of a dog who in any year fails to obtain a license within 30 days of the date specified in Section 5.1 of this ordinance. All late fees shall be paid in addition to the original license fee at the time of issuance of the license.

1) For a person or the owner who has not been cited for owning or keeping an unlicensed dog, the late fee shall be the amount established by Board Order.

2) For a person who is cited for owning or keeping an unlicensed dog and who thereafter obtains a license, the late fee shall be in an amount as specified by board order.

3) For the owner of a licensed kennel who is cited for owning or keeping an unlicensed dog and who thereafter obtains licenses, the late fee shall be as specified by board order.

5.5 LICENSE TAG. Upon payment of the fees required by this ordinance, the county 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.

5.6 LOST LICENSE. If a license tag is lost, the owner may obtain a duplicate license tag from the county upon satisfactory proof of loss and payment of a fee as specified by board order.

5.7 LICENSE TAG TRANSFER. If the ownership of a dog which is currently licensed under this ordinance 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 specified by board order.

5.8 LICENSE FEES ARE NOT PENALTIES. The fees required under this section are in addition to any penalties established by this ordinance for owning or keeping a dog without a license.

5.9 AUTHORITY TO PROVIDE FOR LICENSE OUTLETS. The Board or Sheriff may by order establish licensing outlets at any business within the territorial limits of Yamhill County for the purpose of selling dog licenses. The Board may promulgate rules for the administration of such a program. 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 established by board order.

SECTION 6

DOG FACILITIES, LICENSING AND INSPECTION

6.0 **RIGHT TO REVOKE LICENSE** Any 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.

6.1 **COVERAGE.** This section applies to all dog facilities maintained in Yamhill County whether such facilities are denominated as kennels, holding facilities, shelters, or otherwise in this ordinance, and whether privately or publicly owned, if the facility houses three or more fertile dogs or five or more spayed or neutered dogs, or any combination thereof. However, this section does not apply to municipal holding facilities owned and operated by municipal corporations in Yamhill County unless the municipality consents to the application of this ordinance by the execution of an intergovernmental agreement as provided for in section 12.

6.2 LICENSING REQUIREMENT.

a) No person shall operate a commercial or noncommercial dog kennel, as specified in Section 6.1, without first obtaining an annual license from Yamhill County for each kennel operated. Fees required for commercial and noncommercial kennels shall be established by board order. A temporary six (6) month permit issued at 50% of the cost for regular license fees may be available for facilities provided rabies certificates for all animals are produced for inspection by the Sheriff.

b) A violation of subsection (a) of this section is a continuing violation punishable by a base fine not to exceed \$100 per day or a maximum of \$1000.

6.3 **LAND USE.** The issuance of a license for a dog 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.

6.4 COMMERCIAL AND NON-COMMERCIAL KENNELS.

a) A non-commercial kennel is a facility in or adjacent to a private residence where a minimum of three and a maximum of ten small or medium dogs of licensable age, or a maximum of five large dogs of licensable age are kept for the hobby of the householder, used for hunting, herding, exhibition in shows, field or obedience trials, or for the guarding and protection of property. The sale to individuals of no more than 15 dogs per calendar year which were born and raised on the premises, or the occasional housing of adult dogs for propagation purposes shall not in itself make a kennel "commercial".

b) A "commercial kennel" is a facility intended to be operated as a business, where boarding, grooming, or training services for dogs are performed to realize a profit, or where dogs are bred or kept for the purpose of sale or resale to dealers, brokers, pet shops, kennels, or individuals.

c) The Sheriff shall determine whether a kennel is commercial or non-commercial and assess fees accordingly. Appeal from the Sheriff's determination shall be to the Board of Commissioners as provided in Section 6.9 of this ordinance.

d) The Yamhill County Department of Planning shall forward copies of any kennel or dog training facility land use applications to the Sheriff's Office Dog Control Unit for review.

6.5 LICENSE REVIEW PROCEDURE Upon receipt of an application for a dog kennel license or land use application from the Planning Department, the Sheriff shall inspect the facility and, upon determination that the facility and its operation complies with all applicable provisions of this ordinance and other applicable state and federal laws, shall issue a license. The Sheriff shall approve or deny an application made under this ordinance 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 ordinance.

6.6 DISPLAY OF LICENSE.

a) A license granted under this section shall be conspicuously displayed on the dog kennel facility premises. A holder of the license shall keep available for inspection by the Sheriff:

- 1) The name, address and telephone number of the owner of each dog kept at the facility;
- 2) The date the dog was received;
- 3) A description of each dog including age, sex, breed, and color;
- 4) The animal's veterinarian, if known; and
- 5) 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.

b) A violation of subsection (a) of this section is punishable by a fine not to exceed \$1000.

6.7 STANDARDS FOR LICENSING OF KENNEL FACILITIES. After payment of fees and inspection, the Sheriff shall issue a kennel license to a facility that meets the following criteria:

a) 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;

b) Reliable and adequate electrical service and a potable water supply shall serve the facility;

c) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation and infection;

d) Refrigeration shall be furnished for perishable foods;

e) 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;

f) Cleanliness facilities shall be available to animal caretakers and handlers;

g) In enclosed structures, the interior ambient temperatures shall be maintained above 50 degrees Fahrenheit for dogs not acclimatized to lower temperatures;

h) 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;

i) Interior areas shall have adequate natural or artificial lighting and primary enclosures for dogs shall be protected from excessive illumination;

j) Interior building surfaces shall be constructed and maintained 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) The primary enclosure shall 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. 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;

n) 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 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;

o) Dogs shall be fed at least once daily with a diet of nutritionally adequate and uncontaminated food;

p) Potable water shall be continuously available unless otherwise recommended by a veterinarian in a particular situation;

q) Cages, rooms, hard surface pens, runs and food and water in receptacles shall be sanitized to prevent disease, not 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. Prior to the introduction of dogs into empty enclosures previously occupied, the enclosures shall be sanitized. Dogs shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect the animals in other enclosures; and

r) Excrement shall be removed from primary enclosures as often as necessary to prevent contamination, reduce disease hazards and minimize odors.

6.8 DENIAL AND REVOCATION OF LICENSE. A dog kennel license required under this section may be denied or revoked for any of the following reasons:

- a) Failure to comply substantially with any provision of this ordinance;
- b) Conviction of the owner or any person subject to his direction or control for the violation of any provision of this ordinance 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 ordinance.

6.9 APPEAL FROM DENIAL OR REVOCATION OF LICENSE. If an application for a dog kennel license is denied or approved subject to conditions, or revoked, the applicant may appeal denial, conditional approval, or revocation to the Board of Commissioners no later than 15 days after the date of the decision by the Sheriff. The Board shall provide a hearing for the applicant within 30 days of notice of appeal. Notice of 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.

6.10 INSPECTION. A dog kennel licensed under this ordinance shall be subject to inspection by the Sheriff at any time for the purpose of determining compliance with this ordinance. The Sheriff shall have the right to inspect the facility itself, as well as all records and other documents required to be kept by this ordinance.

6.11 RECORD KEEPING. The owner or operator of any dog kennel licensed under this ordinance shall keep records of all dogs of licensable age sold and! make these records available to the Sheriff 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.

SECTION 7

PROHIBITED CONDUCT

7.1 OWNER OR KEEPER OF DOGS. It shall be a violation of this ordinance for the owner or keeper of a dog to:

a) 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 under the immediate physical control and command of its owner or keeper. 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. 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.

b) Allow a dog to become a **PUBLIC NUISANCE**. A dog is a public nuisance if it:

1) Bites or nips a person's person, 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;

2) Chases vehicles, persons, or other animals of any kind on property that does not belong to the owner or keeper of the dog;

3) Damages or destroys property (including livestock or a domestic pet) that does not belong to the owner or keeper of the dog;

(4) Scatters garbage;

5) Trespasses on private property of persons other than the owner or keeper of the dog;

6) Disturbs a resident from each of three or more households within sight or sound of the complainant's residence or business by excessive noise. A dog shall not be considered a public nuisance under this ordinance if it barks at a person or animal trespassing on property belonging to the dog's owner;

- 7) Is a female in heat and running at large;
 - 8) Impedes or disrupts the normal flow of traffic on a public or private roadway or access way, or causes dangerous conditions thereupon, or in any way becomes a traffic hazard for any length of time.
- c) No person shall keep a MENACING, VICIOUS, or DANGEROUS DOG.

Definitions:

- 1) A menacing dog means a dog which acts in a threatening manner causing a human, a domestic animal, or livestock to fear for its safety or well being, regardless of whether it was done in a playful or hostile manner.
- 2) A vicious or dangerous dog means:
 - a) Any dog which bites a human being, livestock or domestic animal without serious provocation;
 - b) Any dog which puts a human or a domestic animal in apprehension of imminent harm or risk, or exposes them to possible injury or harm, regardless of whether it was done in a playful or hostile manner;
 - c) Any dog, which according to the records of law enforcement, has inflicted previous injury to a human without provocation, or has according to law enforcement records injured or killed a domestic animal while off the property of owner or keeper of said dog;
 - d) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
 - e) Any dog acting in a menacing manner and is out of immediate control of its owner or keeper, and which has caused serious injury or possible death to a human or domestic animal without provocation;
 - f) Any dog having a demeanor, fault, flaw, or defect that causes it to act in an unreasonably aggressive manner;
 - g) Any dog that has been found to have bitten any living thing two or more times in a two year period, which causes physical injury to person(s) or animal(s), and said bites have been documented with appropriate authorities, then a rebuttable presumption exists that the dog is dangerous, and may not be kept.

3) Being a habitual offender means:

a) Any dog that has been found/pled guilty to the same or similar offenses more than three times may be considered a habitual offender.

b) Any owner or keeper that has been found/pled guilty to more than 3 dogs to the same or similar offenses in two or more years (but shall not exceed 10 years) may be considered a habitual offender.

4) Dog running at large after written warning of being suspected of menacing or dangerous:

a) Any dog that has been served written notice of being suspected of falling under the County ordinance for menacing, or dangerous, shall not be allowed to leave its owner or keeper's property unless on a leash and under immediate control of a reasonable person as described in those ordinances.

A dog trained for law enforcement purposes, on duty, or under the control of a law enforcement officer, shall not be found to be menacing, dangerous, or vicious, when it exhibits such behavior in the course of the duties for which it is trained.

b) No person shall keep a dog having been notified by the Sheriff that it has injured, chased, wounded, or killed livestock.

c) No person shall keep a dog without a license attached to its collar as required by this ordinance unless the dog is kept at all times in an enclosure or pen and the license tag is affixed to the enclosure or pen.

d) No person shall keep an unlicensed dog when that dog is subject to the licensing provisions of this ordinance.

e) No person shall keep a dog which has not received its rabies inoculation as required by ORS 433.365 and this ordinance. The charge may be dismissed upon the presentation to the trial court of a certificate of inoculation signed by a veterinarian.

7.2 HINDERING IMPOUNDMENT.

a) It shall be a violation of this ordinance for any person to hinder or otherwise interfere with the apprehension or impoundment of any dog by the Sheriff or any other peace officer.

b) It is not a defense to prosecution under this section that the Sheriff or the peace officer lacked legal authority to impound or apprehend the dog, provided the Sheriff or peace officer was acting under color of official authority.

7.3. PENALTIES.

a) A violation of any provision in this section is punishable by a fine not to exceed five thousand dollars (\$5000), pursuant to ORS 153.018(2)(e) and ORS 153.025(2) (1999).

b) Minimum fine amount: under no circumstances shall any base fine levied by the Court result in less than \$30 (thirty dollars) going to the Dog Control Fund, after assessments and costs have been subtracted. Thus the minimum fine for any offense must be \$30 (thirty dollars) plus the standard assessments and costs.

c) In addition to any fines, if the dog has been found to be menacing, vicious or dangerous, or has been found to be a habitual offender or public nuisance as defined in this ordinance, 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.

d) The penalties described in this section 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 the animal.

e) The imposition of a penalty under this ordinance shall not preclude the use of any other remedy allowed by law to halt or prevent a violation of this ordinance.

SECTION 8

IMPOUNDMENT AND DISPOSITION OF IMPOUNDED DOGS

8.1 **DOG CONTROL FACILITIES.** The Sheriff shall establish and maintain adequate and humane facilities to store and keep animals. This facility shall be open to the public at reasonable posted hours.

8.2 WHEN AN ANIMAL MAY BE IMPOUNDED.

a) A dog shall be impounded by the Sheriff, sheriff's deputy, or other peace officer as follows:

- 1) For allegedly injuring, chasing, menacing, wounding, or killing livestock; or
- 2) If it is ordered impounded by the court.

- b) A dog or other animal may be impounded by the Sheriff or a peace officer when:
- 1) It is the subject of a violation of this ordinance;
 - 2) It requires protective custody and care; or
 - 3) The officer has probable cause to believe it has bitten a person or animal.

8.3 WHEN AN ANIMAL IS DEEMED IMPOUNDED. An animal is deemed to be impounded when the Sheriff or any peace officer takes custody of the animal.

8.4 DISPOSITION OR DESTRUCTION OF AN IMPOUNDED ANIMAL. Any animal which has been impounded under this ordinance which, by reason of injury, disease, or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed immediately. The Sheriff may request a veterinarian to certify this fact in writing before such immediate destruction is undertaken. Any other animal may be disposed of by adoption, relocation, euthanasia, or other method after 15 days impoundment.

8.5 NOTICE OF IMPOUNDMENT. Whenever any dog is impounded which bears an identification of ownership, the Sheriff shall make a reasonable effort within 24 hours of impoundment, by telephone, to give notice of the impoundment of the animal to its owner and, if unsuccessful, shall mail written notice by certified mail within 48 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.

8.6 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 ordinance, if not redeemed within 3 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 ordinance, if not redeemed within ten days after notice of impoundment is mailed to the suspected owner or keeper.

c) An animal that is impounded because it has bitten a person and it cannot be demonstrated by clear and convincing evidence that the animal 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 animal is infected with or a carrier of rabies.

d) A dog that is impounded because it has bitten a person and is suspected of being vicious or dangerous may be held until trial or other disposition of the charges, or until the court orders otherwise.

e) If the Sheriff, veterinarian or county health officer determines that an impounded animal is not rabid, the animal may be released to its lawful owner, if known, without charge, provided no citation has been issued warranting continued impoundment of the animal. The rules regarding the release of an animal from quarantine are found in the Oregon Administrative Rules, OAR 333-017-0000 *et sequent*. An animal found to be rabid shall be destroyed in a manner consistent with state law.

8.7 DETERMINATION OF IMPOUNDMENT PERIOD. Any period of time specified in this ordinance for the keeping of an impounded dog shall not include:

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

8.8 DISPOSITION OF ANIMALS GIVEN TO THE COUNTY BY OWNER. If the owner of an animal or the owner's authorized representative releases the animal to the Sheriff, in writing, the Sheriff may sell or destroy the animal in a manner consistent with this ordinance and with the written release. The Board may by order establish a fee to be charged for acceptance of an animal by the Sheriff under this section.

8.9 DISPOSITION OF IMPOUNDED ANIMALS.

a) Upon the expiration of the impoundment period specified in this ordinance, and unless otherwise ordered by the court, the Sheriff may have the animal destroyed, given, traded, or sold to another party.

b) If the owner of an impounded animal is unknown or if the owner has executed a release as specified in Section 8.8 of this ordinance, the Sheriff shall determine proper disposition of the animal. In determining proper disposition of the impounded animal, the Sheriff may consider:

- 1) The temperament, health, age, and breed of the animal;
- 2) The ability of any person requesting custody of the animal to provide proper care; and
- 3) Other factors relevant to the health, safety, and welfare of the public and the animal.

c) If the animal is sold to another party, a new license must be purchased and an inoculation certificate must be produced within 30 days after the dog is released to the party by the

Sheriff. 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 7.1(f) and 7.1(g) of this ordinance.

d) If the Sheriff determines that an animal impounded under section 8.6(c) is not rabid, the animal shall be released to its owner, if known, without charge, provided no citation has been issued warranting continued impoundment of the animal. An animal determined by the Sheriff or a veterinarian to be rabid or a carrier of rabies shall be destroyed in a manner consistent with state law. OAR 333-019-0050.

8.10. REDEMPTION. Unless otherwise required to protect the public health, safety, or welfare, a dog impounded under this ordinance 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 one year. These fees and charges shall be established by order of the Board of Commissioners.

8.11 RIGHT OF ENTRY ONTO PRIVATE PROPERTY.

a) When the Sheriff has probable cause to believe that a provision of this ordinance has been violated, the Sheriff 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) The Sheriff shall have the right to enter upon private property for the purpose of securing possession and impounding an animal for reasons specified by this ordinance, and shall not be subject, civilly or criminally, for trespass.

8.12 TRANSFER OF TITLE. If the Sheriff sells a dog, pursuant to this ordinance, 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.

8.13 RIGHT OF POLICE OFFICER OR SHERIFF'S DEPUTY TO REQUEST IMPOUNDMENT. Any police officer or Sheriff's deputy may request an impounded animal be held until the disposition or adjudication of any citations, civil claim or criminal charges.

SECTION 9

DISPOSITION OF LICENSE FEES AND FINES

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

9.2 DISPOSITION OF DOG CONTROL FUND. The Sheriff shall administer the Dog Control Fund and pay out of the fund all costs of administering and enforcing this ordinance and all livestock claims allowed pursuant to this ordinance. Any surplus funds may be set aside for necessary improvements to the county facility and/or for control of feral, predatory, and nuisance animals.

9.3 RABIES OUTBREAK. In the event of a rabies outbreak within Yamhill County, the Sheriff 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.

SECTION 10

LIVESTOCK CLAIMS

10.1 SUBMISSION OF CLAIMS. An owner of livestock killed by a dog may submit a claim to the Dog Control Advisory Committee or the Yamhill County Dog Control office. Claims submitted to the Dog Control Office shall be forwarded to the committee to be heard at the committee's next regular session or as soon thereafter as is practicable. The claim must be submitted within 10 days of the killing or of the time the killing becomes known to the owner. The claim shall be in writing, and shall include:

- a) A full, verified account of the killing;
- b) The name and address of the owner or keeper of the dog, if known; and
- c) A detailed statement of the damages claimed.

10.2 REVIEW OF CLAIMS. The Dog Control Advisory Committee shall review all livestock claims submitted and shall allow or deny any portion of the claim as it deems just, not to exceed the market value of the livestock. It shall be within the discretion of the committee to award less than fair market value to the owner of livestock killed by a dog. The livestock owner shall be notified of the committee's decision by mail within thirty days after the committee discusses the claim. If the committee allows all or part of a claim, the claim shall be paid out of the Dog Control Fund in return for a subrogation agreement allowing the Office of the Yamhill County District Attorney or Yamhill County Counsel to seek damages against the owner of the dog for the amount paid out of the Dog Control Fund.

The Sheriff shall prepare forms for the submission of livestock claims and make those forms available to the public. Any funds collected by the district attorney or county counsel pursuant to this section shall, after deduction for the costs of prosecution, be paid into the Dog Control Fund. The district attorney or county counsel shall have full discretion to prosecute, not prosecute, compromise, or settle any action arising out of this section.

10.3 RIGHT OF ACTION BY OWNER OF DAMAGED LIVESTOCK. Nothing in this ordinance is intended to affect the right of an owner of livestock injured, chased, wounded, or killed by a dog to a claim against the owner of the dog for double the damages suffered, as specified in ORS 609.140.

SECTION 11

DOGS THAT KILL OR INJURE LIVESTOCK

11.1 IMMEDIATE DESTRUCTION. Nothing in this ordinance 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.

11.2 HEARING BY BOARD OF COMMISSIONERS. 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 609.155. Clear and convincing evidence shall be necessary to sustain a claim that a dog has been engaged in killing, wounding, injuring, or chasing livestock.

11.3 DISPUTABLE PRESUMPTION. Nothing in this ordinance is intended to affect the disputable presumption that a dog has been engaged in killing, wounding, injuring, or chasing livestock contained in ORS 609.157, or the prohibition on harboring a dog with knowledge that it has killed or injured livestock contained in ORS 609.160.

11.4 ALTERNATIVE DISPOSITION - DOG CHASING LIVESTOCK

a) A dog that has been found by the Board to have engaged in chasing livestock may be disposed of in a manner other than the destruction of the dog if the Board finds as follows:

- 1) No physical injury to the livestock has occurred due to the chasing;
- 2) The dog has not been involved in the chasing of livestock on an earlier occasion;
- 3) Reasonable assurances have been given by a responsible party willing to take custody of the dog, that the dog will be properly restrained on a permanent basis in a manner to prevent the dog from chasing or harming livestock in the future; and
- 4) The owner of livestock chased by a dog agrees to the proposed disposition of the dog.

b) Except as specified above, disposition of dogs engaged in killing, wounding, injuring or chasing of livestock shall be as specified in ORS Chapter 609.

SECTION 12

AUTHORITY TO CONTRACT WITH OTHER GOVERNMENTS

12.1 **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 ordinance. Any such agreements shall require the city to enact a dog control ordinance to subject all dogs within the city to the licensing requirements of this ordinance and provide for substantially the same violations and penalties as provided in this ordinance. The governing body of the city may consent to the application of this ordinance 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.

SECTION 13

ENACTMENT PROVISIONS

13.1 **RELATION TO OTHER LAWS.** Except as expressly provided herein, this ordinance shall not be a substitute for or eliminate the necessity of conforming with all state and federal laws, rules and regulations, and any other ordinances which are now, or may in the future be in effect relating to the requirements of this ordinance.

13.2 **SEVERABILITY.** If any chapter, section, subsection, sentence, clause, phrase, or portion of this ordinance 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 ordinance.

SECTION 14

ENFORCEMENT PROCEDURES

14.1 **MANNER OF CITATION.** A Uniform Dog Control Citation, conforming to the requirements of this section, 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 ordinance.

14.2 **UNIFORM DOG CONTROL CITATION.**

a) The Uniform Dog Control Citation shall consist of three parts and any additional parts inserted for administrative use. The required parts are as follows:

1) A complaint stating the name of the court and the name Yamhill County; a statement of the violation; the date, time, and place of the violation; and a certificate in which the enforcing officer or deputy signs and certifies, under the penalties contained in ORS

153.990, that the officer or deputy has reasonable grounds to believe, and does believe, that the person named in the complaint committed the violation specified.

- 2) The Yamhill County Sheriff's record of the violation.
- 3) The Summons specifying the date, time, court, and place the cited person must appear.

b) The citation shall contain the following information or blanks in which the information shall be entered:

- 1) Name of the court.
- 2) Name of the person cited.
- 3) Section of the Dog Control Ordinance violated.
- 4) Designation of the violation with which the person is charged; the date, the time and the place at which the violation occurred; the date on which the citation was issued.
- 5) The time and place set for the person cited to appear in court.

c) Each of the parts may also contain any identifying and additional information necessary for the Sheriff to administer this ordinance, such as whether the violation is a continuing violation or whether the dog or owner is a repeat offender.

14.3 AMENDMENT OF 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.

14.4 TIME TO RAISE ERRORS ON CITATION. Except as provided in subsection 14.3 above, 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.

14.5 CERTIFICATION OF UNIFORM DOG CONTROL CITATION. The citation shall contain a certificate by the complainant or by the Sheriff to the effect that the complainant or Sheriff has reasonable grounds to believe and does believe that the person cited committed the offense contrary to law. If the certification is made by the Sheriff or any peace officer, it need not be made before a magistrate or any other person. A private person shall certify before a magistrate, clerk, or deputy clerk of the court, and this action will be entered in the court record. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.

14.6 SERVICE OF CITATION. The Sheriff or peace officer issuing the citation shall deliver the summons to the person cited and shall deliver the complaint to the court. When the complaint is certified by a private person, the court shall deliver the summons to the defendant.

14.7 APPEARANCE BY DEFENDANT.

a) The defendant shall appear in court at the time mentioned in the summons if the citation is for:

- 1) Owning a vicious or dangerous dog;
- 2) Owning a dog not vaccinated for rabies; or
- 3) An offense for which an owner or keeper of a dog has been convicted at least twice during the previous twelve months if the offenses involve the dog which is subject to the present citation.
- 4) Being a habitual offender.

b) In other cases, the defendant shall either appear in court at the time indicated in the summons, or prior to such time shall deliver the summons to the court, together with a check or money order in the amount of bail set forth in the summons, and either:

- 1) A request for a hearing;
- 2) A statement of explanation or mitigation of the offense charged; or
- 3) The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with a guilty plea.

c) If a defendant submits a written statement to the court as provided in this section, it operates as a waiver of hearing and consent to judgment by the court. Bail shall be forfeited on the basis of such statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court. A judgment by the court declaring a forfeiture of bail, pursuant to this section, shall be deemed a conviction of the offense charged in the citation.

14.8. FAILURE OF DEFENDANT TO APPEAR.

a) If the defendant fails to comply with section 14.7 or fails to appear at any time fixed by the court, the defendant may be charged with Failure to Appear, a Class A Misdemeanor, and a warrant for arrest may be issued.

b) If the defendant fails to appear at any time fixed by the court and has posted bail, the court may order a forfeiture of that bail. Unless a warrant has been issued the order of forfeiture shall be deemed the final disposition of the case and shall be deemed a conviction of the offense charged in the citation.

14.9 CONTINUING VIOLATION. A continuing violation of this ordinance shall constitute a nuisance and, at the option of the Sheriff, may be abated pursuant to law. In the alternative, a continuing violation may result in an additional base fine not to exceed \$1000 per day of violation as well as the fines imposed under Section 7.3.

SECTION 15

APPLICATION

This ordinance 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.

SECTION 16

REPEAL OF PREVIOUS ORDINANCES

Ordinances 150, 168, 188, 274, 285, 361, 366(a), 403, 422, and 449 are hereby repealed. Citations issued for violation of Ordinance 449, as amended, shall be subject to the provisions of Ordinance 449. Applications made prior to enactment of this ordinance, with approval pending subsequent to enactment, shall be governed by the provisions of this ordinance.

SECTION 17

BAIL AND CONDITIONS OF OWNERSHIP

Menacing - Bail \$300

a) A dog found guilty of menacing must henceforth, when outside the owner or keeper's house, 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 must be on a leash and under the immediate control of a person who could reasonably be expected to be able to keep the dog under control.

c) The owner or keeper must post their property with two or more clearly visible signs declaring "Beware of Dog" or other such recognized signs for the safety of others.

Dangerous - Bail \$500

a) A dog found guilty of being dangerous must henceforth when on the owner or keeper's property:

1) 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.

2) That structure or pen must be enclosed behind a securely locked fence in good repair which totally surrounds said structure or pen, and is of proper height for that particular dog, to act as a secondary source of confinement to guarantee the safety of humans or other domestic animals should the dog escape the primary confinement area.

3) 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 Section (a) of this ordinance.

4) The property must be posted with enough signs (as described in the menacing ordinance) 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 must be on a leash that could reasonably hold that particular dog and may not exceed six feet in length, and under the immediate control of an adult who could guarantee control of said dog. And in some cases may be required to wear a recognized muzzle.

c) When in a vehicle, the dog must be confined inside an enclosed portion of the vehicle or in a canopy that is in good repair and could reasonably hold that particular animal. The dog may also be kept inside a crate of proper size and strength that is in good repair that could reasonably hold that particular dog.

d) When being transported in a vehicle, the animal 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 listed in either the menacing or dangerous ordinances 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 by this county 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) Owner or keeper may be required to obtain and maintain a separate insurance policy on any dog found to be dangerous, as long as the dog lives, of not less than \$25,000 and not more than \$50,000. This may be ordered by the court or dog board.

h) Any dog designated as dangerous may be destroyed if so ordered by the court or dog board, or if the owner or keeper is unwilling or unable to comply with the regulations, or if the owner or keeper of said dog releases all rights to 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 listed under the dangerous ordinance 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 those ordinances, may be removed by law enforcement personnel and kept at a holding facility until such time as a judge or the dog board decides the disposition of said dog.

VICIOUS - Bail \$1000.

a) Any dog found guilty of being vicious shall be destroyed.

b) Any dog cited for being vicious shall be lodged in protective custody at a holding facility until such time as the owner or keeper releases all rights to the animal to Dog Control or a judge declares a verdict. The owner or keeper may be held liable for dog's room and board.

Any owner or keeper who has been given written notice that their dog may be considered menacing, dangerous, or possibly vicious, shall not allow their dog to go off their property unless on a lease, and under immediate control of a reasonable person. Failure to do so may result in the dog being impounded and detained in a holding facility until such time as a disposition can be decided by a judge, the dog board, or until law enforcement personnel feel that the owner or keeper can and will meet all requirements of the offense they were notified of.

HABITUAL OFFENDER - Bail \$300.

a. Any dog having been found/pled guilty of habitual offender status and subsequently re-offends shall be permanently removed from said owner or keeper and shall become the immediate property of Dog Control .

b. Any person(s) found/pled guilty of being a habitual offender may, by order of the court, lose the right to own any dog(s) while living in Yamhill County. And if so ordered, law enforcement personnel may make inquiries or inspect and remove from the premises any dog being found kept or owned by said person(s). Any county in Oregon may request a copy of that court order and continue enforcement in their county.

Habitual Offender Confinement Restriction: same as Menacing.

Dog running at large after warning of dog suspected of being menacing or dangerous or vicious or habitual offender. Bail \$500.

Any dog going off the owner or keeper's property that is not on a leash and under immediate control of a reasonable person, as described in the ordinance, and has been given written notice of being suspected of menacing or dangerous, as stipulated under these ordinances, may be picked up and lodged at a holding facility until property conditions are met as stated in those ordinances to the satisfaction of Dog Control personnel, a rule by the board is made, or until a judge makes a ruling in the case.

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DOG CONTROL FEES

YEARLY LICENSE FEE

Section 5.4

- a) Spayed or neutered dog with veterinarian certificate \$20
- b) Spayed or neutered dog with veterinarian certificate owned by a
person 67-75 years of age \$10
(first dog at \$10; any additional dogs at \$20 each)
- c) Spayed or neutered dog with veterinarian certificate owned by a
person 75 or older \$4
(first dog at \$4; first additional at \$10; all other additional, \$20 each)
- d) Each dog kept in a licensed kennel \$10
- e) Guide dog, hearing ear dog, or recognized trained dog
for the handicapped -0-
- f) All other dogs (fertile) \$30

LATE LICENSE FEE

Section 5.4

If no citation has been issued, all dogs ½ license fee
(regular late fee)
If citation has been issued, all dogs Double license fee
Plus the appropriate license fee as listed above under "Yearly License Fee".

LOST LICENSE TAG

Section 5.6

Lost tag \$2

LICENSE TRANSFER

Section 5.7

License transfer \$2

RECIPROCAL LICENSE TRANSFER Section 5.2

Reciprocal license transfer \$2

AUTHORIZED SALES OUTLET Section 5.9

Amount that may be retained by outlet to cover administrative cost \$1 +\$1 late fee

KENNEL LICENSE (Annual)

Section 6.2

Commercial \$500

Noncommercial (hobby) \$150

ANIMAL RELEASED TO SHERIFF Section 8.8

Basic release of a dog	\$10
Release of a litter of pups (first 2 pups)	\$10
and for each additional pup	\$1
Release of a dog for euthanasia only (price is size-related)	\$10 to 25
Release of an adult cat	\$5
Release of a teenage kitten	\$3
Release of a kitten	\$1
Pick-up of owned dog by officer	\$25

REDEMPTION FEES Section 8.10

Basic owned dog impoundment fee	\$35
Second or subsequent impoundment within 12 months	\$70
Room and board fees (per day)	
Minimum (per day - per dog)	\$10
Redemption of owned cat	\$15

ADOPTION FEES

Dogs (depending on desirability)	\$35 to \$100
Cats (depending on age of cat)	\$10 to \$25

MISCELLANEOUS FEES

Copy of Dog Control Ordinance	\$15
Copy of complaints or files other than licences or rabies certificate	\$10
Weekly rental of live trap (cat trap), including \$15 refundable deposit (including 1 st cat)	\$25

BAIL AMOUNTS FOR ORDINANCE OFFENSES

Dog at large	\$94
2 nd offense in 12 month period	\$150
Dog bite	\$150
Chased vehicle or person	\$94
2 nd offense in 12 month period	\$150
Damaged or destroyed property	\$150
(plus damage as described in Ordinance Section 7.3(H))	
Damaged or destroyed domestic animal or poultry	\$150
Trespass	\$94
2 nd offense in 12 month period	\$150
Barking	\$94
2 nd offense in 12 month period	\$150
Traffic hazard	\$150
2 nd offense in 12 month period	\$300

Female in heat	\$94
Not licensed	\$94
Dog at large <i>after notice</i> of suspected of being menacing or dangerous	\$150
Habitual offender	\$300
Menacing	\$500
Dangerous	\$1000
Vicious	\$1000
Chasing livestock	\$300
Injuring or killing livestock	\$500
Failure to obtain rabies inoculation	\$150
Hindering impoundment of a dog	\$500
Failure to surrender a dog suspected of having rabies	\$1000

Each conviction shall be accompanied by an automatic court assessment of \$25. This revenue shall be paid to Yamhill County Dog Control for maintenance, upgrade, or purchase of buildings, vehicles, equipment or personnel expenses.

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