

ORDINANCE No. 254

AN ORDINANCE ADOPTING PORTIONS OF THE MULTNOMAH COUNTY ANIMAL CONTROL ORDINANCE AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the City of Troutdale desires to authorize Multnomah County to enforce animal control regulations within the City of Troutdale; and

WHEREAS, Multnomah County has agreed to enforce its ordinance, or portions thereof, in return for fees and charges established within that ordinance; and

WHEREAS, the City Council of the City of Troutdale finds that such inter-governmental cooperation is in the general best interest of the citizens of the City of Troutdale;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

The following provisions of Multnomah County Ordinance No. 156 are hereby enacted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 156

An ordinance providing for the licensing and regulating conduct, care and treatment of certain animals; prohibiting activities; establishing procedures; providing penalties; and repealing Multnomah County Ordinances Nos. 15, 20, and 91.

Multnomah County ordains as follows:

CHAPTER I POLICY AND TITLE

Section 1. Policy

The Board of County Commissioners recognizes that ORS Chapter 609 constitutes State law for the regulation of dogs but does not apply in home rule counties which provide for regulation by ordinance; and the Board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them, that animals require legal protection, that the property rights of owners and non-owners of animals should be protected, and that the health, safety and welfare of the people residing in Multnomah County would best be served by adoption of such ordinance.

Section 2. Title

This ordinance may be cited as "The Animal Control Ordinance."

CHAPTER II DEFINITIONS

Section 1. General

As used in this ordinance, the terms defined in this Chapter shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory; and the masculine gender includes the feminine.

Section 2. Definitions

- A. Animal. Any dog, exotic, wild or dangerous animal, or livestock.
- B. Dog at Large. Any dog not confined to the premises of its owner, unless restrained by a leash, tether, or other physical control device not to exceed eight feet in length and under the physical control of a person, whether or not the owner of such animal, or which enters upon land of another person without authorization of that person or a lawful occupant, shall be deemed at large.
- D. Euthanasia. Putting to death an animal in a humane manner.
- I. Owner. Any person or legal entity having a possessory property right in a animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by him.
- J. Person. Any natural person, association, partnership, firm, or corporation.
- K. Sexually Unreproductive. Incapable of reproduction by reason of age or physical condition, or incapable of being subjected to a medical procedure to be rendered unproductive and certified by a licensed veterinarian to be such.
- L. Vicious Animal. Any animal which bites any human being or other domestic animal, except that an animal shall not be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

CHAPTER III ADMINISTRATION AND ENFORCEMENT

Section 1. Director Responsibility and Authority; Interference Prohibited.

- A. It shall be the responsibility of the Director of the Department of Environmental Services and those he designates to enforce provisions of this ordinance.
- B. The Director and persons duly authorized pursuant to ORS 204.635 (2) shall be empowered to exercise the authority of peace officers to the extent necessary to enforce this ordinance.
- C. Persons designated by the Director to enforce this ordinance shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting the same.
- D. No person shall intentionally hinder or interfere with or prevent the exercise of any powers conferred under this ordinance or ORS Chapter cited in Section 3 of this chapter.
- E. The Director may waive or modify any of the standards for licensing of facilities as he deems appropriate to meet peculiar requirements of a particular animal or species.

- F. The Director shall be authorized to reduce or waive any fee prescribed by this ordinance except those related to licensing.

Section 2. Shelter Operation; Impoundment, Release and Disposal

- A. The Director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine any animal delivered to his custody under provisions of this ordinance, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.
- B. Any animal may be impounded and held at the facility when it is the subject of a violation of this ordinance, when an animal requires protective custody and care because of mistreatment or neglect by its owner, or when otherwise ordered impounded by a court.
- C. An animal is deemed to be impounded from the time the Director or his designee takes physical custody of the animal.
- D. Impoundment is subject to the following holding period and notice requirements:
1. A dog bearing identification of ownership shall be held for 144 hours from time of impoundment; the Director shall make reasonable effort within twenty-four hours of impoundment by telephone to give notice of the impoundment to the owner, and, if unsuccessful, shall mail written notice by certified mail within forty-eight hours of impoundment to the last known address of the owner advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.
 2. A dog for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of such animal.
 3. Animals held for periods prescribed herein, or as otherwise required by ORS 433.340 to 433.390, and not redeemed by the owner, shall be subject to such means of disposal as the Director deems most humane.
 4. Animals delivered for impoundment by a peace officer who removed such animal from possession of a person in custody of the peace officer shall be held for the period prescribed in subparagraph 1 of this section; a receipt shall be given the peace officer, who shall deliver such receipt to the person in custody from whom the animal was taken; the receipt shall recite redemption requirements and shall serve as the notice required herein.
- E. 1. Any impounded animal, unless restrained by court order, shall be released to the owner or his authorized representative upon payment of impoundment, care, rabies, and license fees.

2. A dog held for the prescribed period and not redeemed by its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption, subject to the following conditions:
 - a. The adoptive owner shall agree in writing to furnish proper care to the dog in accordance with this ordinance.
 - b. Payment of required fees, including any medical care costs incurred during impoundment.
 - c. In the case of a dog not sexually unproductive, deposit of \$20, refundable upon furnishing evidence that such animal has been rendered sexually unproductive; and
 - d. A written agreement by the adoptive owner to render any adopted dog sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs; failure to perform the agreement shall be a forfeiture of the deposited \$20, and the Director may require return of the adopted dog to the shelter.
3. The Director shall dispose of animals held for the prescribed period without redemption or adoption only by means of euthanasia; provided, however, that irrespective of any prescribed holding period the Director, upon advice of a licensed veterinarian, may dispose of any unhealthy or injured impounded animal by euthanasia.
4. Any device attached to any animal upon impoundment shall be retained by the Director should the animal be disposed of as provided in paragraph 3 of this section; otherwise any such device shall accompany the animal when redeemed or adopted.

Section 3. Applicability of ORS Chapters 433 and 609

In addition to provisions of this ordinance regulating animals, the following statutes shall apply in Multnomah County and shall be enforced by the Director in the same manner as though set forth fully herein, and by this reference, they are incorporated within this ordinance:

- A. ORS 433.340 to 433.390, relating to rabies control; provided that the term "Administrator of the Health Division" used therein shall mean the Director of the Department of Environmental Services for Multnomah County.
- B. ORS Chapter 609, relating to dogs; the following sections and no others:
 - 609.020 Dogs as personal property;
 - 609.095 When dog is public nuisance;
 - 609.097 Exception to dog as public nuisance;
 - 609.140 Right of action by owner of damaged livestock;
 - 609.150 Right to kill dog that kills or injures livestock;
 - 609.155 Impounding dog that kills or injures livestock; testing dog; killing dog; release;

609.157 Disputable presumption that dog kills or injures livestock; and

609.160 Keeping dog with knowledge that it has injured livestock.

CHAPTER IV LICENSING OF DOGS

Section 1. Coverage

The provisions of this chapter shall apply to dogs not housed, kept or maintained within a dog facility subject to licensure pursuant to Chapter V of this ordinance.

Section 2. Requirements

A. Licensure.

1. Dogs shall be licensed within thirty (30) days of obtaining the age of six months or within thirty (30) days of acquisition by the owner, whichever occurs later.
2. Licenses shall be valid for 12 months from date of issuance and shall be issued upon payment of the fee required by Chapter VII of this ordinance.
3. Licenses issued under prior existing Multnomah County ordinances shall remain valid until expiration.

B. Licenses.

1. License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the owner's premises or displayed in an exhibition.
2. A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another owner; provided, however, that a new license may be purchased for the license replacement fee provided in Chapter VII.
3. A dog displaying a current license from jurisdictions outside Multnomah County, but within the State of Oregon, shall not require licensing under this ordinance until expiration of the current license, provided that the dog remains in the possession of the owner to whom such license was duly issued.
4. A penalty of \$5.00 shall be charged for late renewal of a license. Late renewal is defined as the first day of the month past the due date.
5. A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial Multnomah County license within the times specified herein.
6. Any penalty shall be in addition to the applicable license fee and payable at the time of issuance.

C. Exceptions from Licensing and Waiver of Fees.

1. Fees shall be waived for licenses issued for any guide dog upon presentment of an affidavit by the dog's owner; such license shall be valid for the

life of the dog or so long as the dog remains the property of the person named in the affidavit.

2. License fees for dogs owned by persons aged 65 or older shall be reduced by the amount equal to the license fee for a sexually unproductive dog for one dog per household; provided that the surcharge for late application shall be based on the applicable, unwaived, license fee for such animal.

CHAPTER V FACILITIES

Section 5. Animal Facility

- A. Animals must at all times be housed in a manner which shall assure that animals will not create a public nuisance by reason of noise or emission of offensive odors, present a danger to human life or property, endanger the health of the animals, or create a safety or health hazard to human beings.

CHAPTER VI PROHIBITED AND REGULATED CONDUCT

Section 1. Confining Animals to Motor Vehicles Prohibited

- A. No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to dangerous temperature, lack of food, water or attention, or confinement with a dangerous animal.
- B. Any animal control or peace officer is authorized to remove any animal from a motor vehicle at any location when he reasonably believes it is confined in violation of subsection A of this section. Any animal so removed shall be delivered to the Animal Control Shelter after the removing officer leaves written notice of such removal and delivery including the officer's name, in a conspicuous, secure location on or within the vehicle. Such additional notice as may be required by Chapter III, Section 2.D. of this ordinance shall be given upon impoundment of such removed animal.
- C. No animal control or peace officer shall be held criminally or civilly liable for action pursuant to this section, provided he acts in good faith, on probable cause and without malice.

Section 2. Finders of Lost Dogs; Responsibility to Report

- A. Any person who finds and harbors a dog, without knowing the dog owner's identity, shall notify the Director and furnish a description of the dog.
- B. The finder may surrender the animal to the Director or retain its possession, subject to surrender upon demand of the Director.
- C. Records of reported findings shall be retained by the Director and made available for public inspection.

Section 4. Poisonous Food.

No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals.

Section 5. Animal Owner Regulation

- A. For the purposes of this section, unless otherwise limited, the term "permit" shall include human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent or negligent.
- B. It shall be a violation of the ordinance for any person to:
1. Permit an animal to become at large.
 2. Permit an animal to trespass upon property of another.
 3. Keep a vicious animal.
 5. Permit a dog in season (estrus) to be accessible to a male dog not in his ownership except for intentional breeding purposes.
 6. Permit any animal unreasonably to cause annoyance, alarm or noise disturbance at any time of the day or night.
 7. Leave an animal unattended for more than 24 consecutive hours without adequate care.
 8. Deprive an animal of proper facilities or care.
 9. Physically mistreat any animal either by deliberate abuse or neglect to furnish adequate care, including medical attention.
 10. Permit any animal to leave the confines of any officially prescribed quarantine area.

Section 6. Gamecocks, Animal Fights and Fight Training Prohibited.

It is unlawful for any person in Multnomah County to:

- B. Knowingly and intentionally, whether for amusement of himself or others, or for financial gain: cause any animal to fight or injure any other animal, or cause it to be fought or injured by any other animal; or to train or keep for the purpose of training any animal with the intent that such animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition, shall be deemed a violator of this subsection and subject to punishment upon conviction therefor.

CHAPTER VII FEE SCHEDULE

Section 1. Dog Licenses

- A. Dogs
- | | |
|----------------------------|---------|
| 1. Fertile | \$12.00 |
| 2. Sexually Unreproductive | \$ 4.00 |
- B. License Replacement \$ 2.00

Section 3. County Shelter Rates

- A. Impoundment Fee
 - 1. First Impoundment \$10.00
 - 2. Each succeeding impoundment \$20.00
- B. Daily Care (for any portion of a 24-hour period from time of impoundment) \$ 3.00
- C. Medical Shots - per dosage \$ 4.00
- D. Disposal Fees
 - 1. Adoption \$10.00
 - 2. Euthanasia \$ 3.00

Section 4. Stray Animals

For the expenses incurred by the County in locating, transporting and otherwise attending any stray animal other than a dog, the owner or other person lawfully claiming such animal shall pay to the County a fee in the amount of \$10.00 per person hour plus an additional payment of fourteen cents (\$.14) for each mile traveled by County personnel in locating and transporting such animal.

CHAPTER VIII PROSECUTION OF VIOLATIONS: DISPOSITION OF ANIMALS: PENALTIES

Section 1.

Offenses committed in violation of provisions of this ordinance shall be prosecuted in the manner provided in ORS 203.810. Conviction of a violation of any provision of this ordinance not specifically listed in this chapter shall be subject to a fine not to exceed \$500.00

Section 3. Poisonous Food

Any person convicted of violation of Section 4 of Chapter VI of this ordinance shall be subject to imprisonment for not more than one (1) year and a fine not to exceed \$1,000 or both.

Section 4. Animal Owner Regulation Violations

Any person convicted of violation of Section 5 of Chapter VI of this ordinance shall be subject to a fine not to exceed \$500; and the court in its discretion, may also order destruction of the animal or animals involved (subject to Chapter III, Section 2.D.), surgical sterilization of any animal or appropriate procedure to render an animal mute.

Section 5. Animal Fights and Fight Training

- A. Any person convicted of violation of Section 6 of Chapter VI of this ordinance shall be subject to a fine not to exceed \$500; and the court may order impoundment of any animal caused to be engaged in the prohibited conduct.
- B. Any person previously convicted under this provision shall be subject to punishment by imprisonment for a term of not more than one (1) year and a fine not to exceed \$1,000 or both.

CHAPTER IX ENACTMENT PROVISIONS

Section 1. Conformance With Law

Except as expressly provided herein, this ordinance shall in no way be a substitute for or eliminate the necessity of conforming with any and all State and federal laws, rules and regulations, and other ordinances which are now nor may be in the future in effect which relate to the requirements provided in this ordinance.

Section 2. Separability

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 holdings shall not affect the validity of the remaining portions of this ordinance.

Section 3. Repealed Ordinances

Multnomah County Ordinances Nos. 15, 20, and 91 are hereby repealed, save and except as to prosecution of any violations occurring prior to the enactment of this ordinance.

Section 4. Adoption

This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, shall take effect on January 21, 1978, pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 22nd day of December, 1977, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

Further, that the following provisions of Multnomah County Ordinance No. 156 shall not be in effect within the City limits of the City of Troutdale:

Chapter II, Section 2, Paragraphs 2C, 2E, 2F, 2G, and 2H are deleted entirely.

Chapter II, Section 2, Paragraph L, delete the phrase "...or which demonstrates menacing behavior toward human beings or domestic animals,"

Chapter V, Sections 1, 2, 3 and 4 are deleted entirely.

Chapter V, Section 5, Paragraphs B and C are deleted entirely.

Chapter VI, Section 3 is deleted entirely.

Chapter VI, Section 5, Paragraph B(4) is deleted entirely.

Chapter VI, Section 5, Paragraph B(6), delete the phrase ... "by repeated barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property."

Chapter VI, Section 5, Paragraph B(8), delete the phrase ... "including but not limited to those Items 1, 2, 3, 4, 6, and 7 specified in Chapter V, Section 4, subsection M. Proper shelter shall include a structure that does not leak, will provide protection from the weather and is maintained in such condition to protect the animals from injury."

Chapter VI, Section 6, Paragraph A, delete entirely.

Chapter VI, Section 7, Delete entirely.

Chapter VII, Section 2, deleted entirely.

Chapter VIII, Section 2, deleted entirely.

Chapter VIII, Section 5 (Title), delete the phrase "Keeping Gamecocks"...

Chapter VIII, Section 5, Paragraph A, delete the phrase ...
"which animal may be disposed of by the Director."

An Emergency is hereby declared to exist.

Passed by the Common Council of the City of Troutdale this 11th
day of July, 1978.

YEAS: 5

NAYS: 0

Signed by the Mayor this 12th day of July, 1978.



R. M. Sturges, Mayor

ATTEST:



Terri Widner, City Recorder