

ORDINANCE No. 268

AN ORDINANCE ADOPTING PORTIONS OF THE MULTNOMAH COUNTY ANIMAL CONTROL ORDINANCE RELATING TO LIVESTOCK

WHEREAS, the Comprehensive Animal Control Ordinance No. 156 was adopted by Multnomah County, but can be enforced within corporate City limits only with authority from the City Council; and

WHEREAS, the City of Troutdale previously adopted and authorized Multnomah County enforcement of sections of the County Animal Control Ordinance, but not relating to livestock; and

WHEREAS, even livestock owned by County residents outside the City but loose within the City cannot be enforced by the County without City authority; ~~now~~

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

1. Ordinance No. 254 of the City of Troutdale is hereby amended to include regulation of livestock; and
2. Multnomah County is hereby authorized to enforce the following added sections of County Ordinance No. 156:

Chapter II, Section 2, G
Chapter VI, Section 7, A, B & C

3. And, the hazard caused by loose and unclaimed livestock poses a public hazard and an emergency is hereby declared to exist.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 13th
DAY OF September, 1978.


YEAS: 5

NAYS: 0



Acting Mayor

ATTEST:



Jerri Widner
Finance Director/City Recorder



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. Animal at Large. Any animal 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.
- C. Dog Facility. Any site [as identified by a mailing address] where more than three dogs of licensable age are kept, whether such animals are the property of the site owner or other persons.
- D. Euthanasia. Putting to death an animal in a humane manner.
- E. Exotic, Wild or Dangerous Animal. Any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner.
- F. Exotic, Wild, or Dangerous Animal Facility. Any site for the keeping of animals as described in E. above.
- G. Livestock. Animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, goats, swine and other hooved domesticated animals.
- H. Livestock Facility. Any facility for the keeping of livestock.
- 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 unreproductive and certified by a licensed veterinarian to be such.

- 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.

- L. Vicious Animal. Any animal which bites any human being or other domestic animal or which demonstrates menacing behavior toward human beings or domestic animals, 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.

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.

CHAPTER V FACILITIES: LICENSING, REGULATION AND STANDARDS

Section 1. Coverage.

- A. A dog facility or exotic, wild or dangerous animal facility shall require a license in accordance with procedures, standards, and limitations provided in this Chapter; and no such facility may lawfully be operated except upon application and payment of prescribed fees for the license.
- B. Issuance of the license shall not constitute approval of the land use nor be evidence of compliance with any land use restrictions or regulations which may apply to the proposed facility operation.
- C. The Oregon Humane Society, located at 1067 NE Columbia Boulevard in Portland, Oregon, shall be exempt from the requirements of this chapter.

Section 2. Facility Licensing Procedure.

- A. Application for a facility license shall be made upon forms furnished by the Director, shall include all information required therein, and shall be accompanied by payment of the required fee.
- B. An initial license shall expire on the first day of the calendar year following issuance, and the fee therefore shall be subject to quarterly proration.
- C. The fee for the first year shall be reduced by an amount equal to license fees already paid for individual dogs; however, no refund shall be given where the amount of license fees paid for individual dogs exceeds the facility license fee.
- D. During the first 365 days after the effective date of this ordinance, persons filing applications and paying the required fee for a facility license shall be issued a receipt by the Director which shall constitute a preliminary license for such facility, subject to inspection of the facility by the Director and final approval for operation.
- E. The Director shall inspect any facility for which a license is sought 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.

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.