

ORDINANCE NO. 562-0

AN ORDINANCE AMENDING TROUTDALE MUNICIPAL CODE CHAPTER 6.12 - ANIMALS - LICENSING OF DOG FACILITIES REGULATIONS AND STANDARDS, ADDING NEW SUBSECTIONS.

Whereas, animal control authority has been delegated to Multnomah County; and

Whereas, the licensing of dogs is required in the City of Troutdale;

Whereas, the licensing of dog facilities is referenced but not required under the current Troutdale Municipal Code; and

Whereas, the inspection and regulation of dog facilities in the City is deemed necessary to protect the public health safety and welfare of the community.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT Chapter 6.12 of the Troutdale Municipal Code be amended to add the following new sections.

Section 6.12.025 Application of facilities, licensing, regulation and standards.

- (A) A dog facility shall require a license in accordance with procedures, standards and limitations provided in the Multnomah County Code 8.10.100 to 8.10.140, 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 require prior land use approval and shall be in compliance with any land use restrictions or regulations which may apply to the proposed facility operation.

Section 6.12.033 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) A facility license shall be valid for one, two or three years from the date of issuance, at the option of the facility owner, unless revoked.
- (C) The fee for the first year shall be reduced by an amount equal to license fees already paid for individual dogs, provided, 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 January 21, 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 the 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 chapter and other applicable state and federal laws, shall issue a license.
- (F) If the director of Multnomah County Animal Control fails to approve an application within 60 days of its receipt and payment of fees, the application shall be considered approved for the current year, subject only to revocation as provided in MCC 8.10.120.
- (G) A license shall be conspicuously displayed on the facility premises and a holder of a license shall keep available for inspection by the director a record of the name, address and telephone number of the owner of each dog kept at the facility, the date each dog was received, the purpose therefor, the name and address of the person from whom the dog was purchased or received, a description of each dog including age, breed, sex and color and the animal's veterinarian, if known.
- (H) A dog not on the licensed premises shall bear identification, except when taking part in an animal show.

Section 6.12.035 Denial and revocation of licenses; appeals.

- (A) A license required by MCC 8.10.10 to 8.10.140 may be denied or revoked for any of the following reasons:
 - (1) Failure to comply substantially with any provision of this chapter.
 - (2) Conviction of the owner or any person subject to the owner's direction or control for the violation of any provision of this chapter or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals.
 - (3) Furnishing false information on an application for a license under this chapter.

- (B) The director shall refund 50 percent of any fee paid upon denial of a license, provided, however, no refund shall be made upon revocation.
- (C) If an application for a license is denied, or approved subject to conditions, the applicant may appeal the denial or conditional approval to the Board of County Commissioners by filing a written request within 15 days of the date denial or conditional approval was mailed to the applicant by certified mail.
- (D) The director shall investigate any complaint concerning licensed facilities and, upon determination that a license should be revoked, shall serve written notice upon the licensee of that determination by certified mail and schedule a hearing at which the licensee may appear and be heard. The hearing shall be public, and notice of the hearing shall be mailed to the licensee by certified mail no later than 10 days before the date of the hearing.
- (E) If the director confirms the revocation, the holder of a revoked license may appeal the revocation to the Board of County Commissioners by filing a written request to the director within 15 days after notice of the director's determination of revocation was mailed by certified mail. Failure to file a timely request shall terminate any appeal rights, and the director's decision revoking the license shall not be reviewable otherwise.
- (F) A hearing upon an appeal under subsection (C) or (E) of this section shall be conducted by the Board of County Commissioners within 30 days of the request, with notice to be mailed to the applicant by certified mail no later than 10 days prior to the hearing, provided, however, that the Board may refer the matter to a hearings officer for the purpose of taking evidence, making findings of fact and law and making recommendations to the Board, which shall act on any recommendations within the time fixed in this subsection.
- (G) A decision of the Board of County Commissioners resulting from any appeal under this section shall be reviewable only as provided in ORS Chapter 34 and not otherwise.

Section 6.12.037 Standards for licensing of facilities. The director shall not issue a license for any facility until inspection demonstrates compliance with the standards set forth in this

section, applicable to the nature and species of any animal to be kept:

- (A) Housing structures shall be sound and maintained in good repair to protect animals from injury, safely confine any animal housed therein and 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 infection.
- (D) Refrigeration shall be furnished for perishable foods.
- (E) Safe and sanitary disposal facilities shall be available to eliminate animal and food wastes, 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) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for animals not acclimatized to lower temperatures.
- (H) Adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and 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 provided, however, that primary enclosures for dogs shall be protected from excessive illumination.
- (J) Interior building surfaces shall be so constructed and maintained to permit sanitizing and 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 adequate shelter areas designed to minimize

harmful exposure to weather conditions for those animals not acclimatized to the environment.

- (M) In addition to the general standards contained in this section, the following standards of care shall apply specifically to the keeping of dogs in licensed facilities:

(1) The primary enclosure shall be of sufficient size to permit each dog housed therein to stand freely, sit, turn about and lie in a comfortable normal position. Not more than 12 dogs shall be housed in the same primary enclosure. Each dog housed in a primary enclosure shall be provided a minimum floor space equal to the mathematical square of the dog's length as measured from the tip of its nose to the base of its tail plus six inches. An exercise area or means to provide each dog with exercise shall be provided on the premises.

(2) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, the devices shall be installed in a manner to prevent entanglement with devices of other dogs or objects and shall be fitted to the dog by a harness or well-fitted collar, other than a choke type collar, and shall not be shorter than three times the length of the dog as measured from the tip of its nose to the base of its tail.

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

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

(5) Cages, room, hard surfaced pens, runs and food and watering receptacles shall be sanitized to prevent disease not less than once every two weeks by washing with hot water (180 degree F.) and soap or detergent, by washing with a combination disinfectant and cleanser, by washing with a detergent followed with 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 animals in other enclosures.

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

(7) Dogs housed together in primary enclosures shall be maintained in compatible groups with the following restriction, except in residential dwelling:

(a) Females in season (estrus) shall not be placed with males except for breeding purposes;

(b) Animals exhibiting vicious behavior shall be housed separately;

(c) Animals six months or less of age shall not be housed with adult animals other than with their dams;

(d) Dogs shall not be housed with other species of animals; and

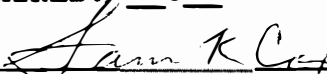
(e) Dogs under quarantine or treatment for any communicable disease shall be separated from other dogs.

(8) Programs of disease control and prevention shall be established and maintained.

(9) Each dog shall be seen at least once per 24-hour period by an animal caretaker.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 9TH DAY OF OCTOBER, 1990.

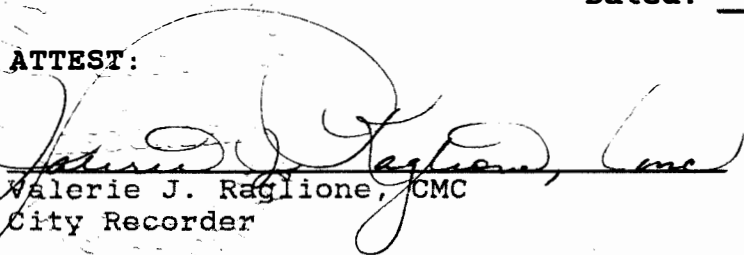
YEAS: 3
NAYS: 0
ABSTAINED: 0



Sam K. Cox, Mayor

Dated: 10/11/90

ATTEST:


Valerie J. Raglione, CMC
City Recorder