



IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF ADOPTING AN ORDINANCE TITLED THE ANIMAL SERVICES CODE

ORDINANCE 24-003

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Board of Commissioners being present; and

WHEREAS: Wasco County has the authority to regulate dogs and animal under ORS Chapter 609: and

WHEREAS: Wasco County has previously created an ordinance for the enforcement of animal control and orders for the establishment of a dog control district and a standard policy for licensing dogs; and

WHEREAS: the ordinance and orders are in need of updating; and

WHEREAS: the control of animals and dogs is important for the health and safety of Wasco County residents:

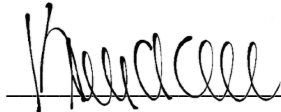
THE BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

1. The Ordinance for the Enforcement of Animal Control dated January 25, 1978 is hereby repealed and replaced by this Ordinance.
2. The Order Establishing a dog control district, dated February 5, 1958 is hereby repealed and replaced with this Ordinance.
3. The Order Establishing a standard policy for licensing dogs dated October 6, 1976, is hereby repealed and replaced by this Ordinance.
4. The Ordinance attached as Exhibit A is hereby adopted as the Wasco County Animal Services Code.
5. If any portion of this Ordinance, including the exhibit, shall for any reason held to be invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

6. The County Counsel and Administrator are authorized to format this Ordinance, including deleting and adding textural material, renumbering sections or pages, and making any technical change not affecting the substances of this Ordinance.

DATED this 2nd day of October, 2024.

APPROVED AS TO FORM:



Kristen Campbell, County Counsel

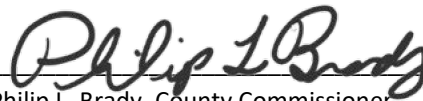
WASCO COUNTY BOARD OF COMMISSIONERS:



Steven D. Kramer, Commission Chair



Scott C. Hege, Vice-Chair



Philip L. Brady, County Commissioner

Section 1. Purpose. This ordinance shall be known as the Animal Services Act. The purpose of the Animal Services Act is to exercise the power and authority granted by the provisions of ORS chapter 609 to provide rules and regulations governing the keeping, licensing, and control of dogs and other animals in Wasco County. This Act does not apply to cities that have their own dog licensing and control program. Further, it is intended as a tool to hold animal owners accountable to reasonable standards of responsibility as well as protect residents and animals of the County.

Section 2. Definitions. As used in this Act, and in addition to the definitions in ORS chapter 609, the words and phrases are defined as set forth below.

“Animal rescue entity” has the definition provided in ORS 609.415.

“At large” means: (a) any dog as provided in ORS 609.035(7); or (b) a dog in a duly recognized obedience school on field training exercises and under the direct supervision of a handler. Livestock on the open range shall not be considered to be at large.

“Dangerous dog” means any dog: (a) as provided in ORS 609.098; (b) whose owner has been convicted or has admitted responsibility, or has admitted responsibility on a charge that the dog without provocation impermissibly placed a person in reasonable fear of imminent physical injury; (c) whose owner has been convicted or has admitted responsibility, or has admitted responsibility on a charge that the dog attacked a person or domestic animal without provocation; or (d) that is trained for or used in animal fighting.

“Dog” means any mammal of the canine family.

“Dog kept primarily in a kennel” means a dog, such as a show dog or dog kept for breeding, that is housed primarily in a kennel and not in the residence of its owner or keeper and that is not allowed to run at large.

“Enforcement officer” means any law enforcement officer, code enforcement officer, or employee authorized by the county to enforce all or part of the Wasco County Code.

“Kennel” means any premises where five or more dogs, at least six (6) months of age, are kept overnight for any purpose whatsoever, and which has been properly approved and permitted by the appropriate zoning department having jurisdiction over the location of the kennel. The term does not include an animal day care facility, licensed veterinary clinic or legally permitted animal hospital.

“Livestock” means any animal that is defined to be livestock by ORS 609.125, or the petition or order establishing the livestock district in which the subject livestock was found.

“Livestock district” means any geographic area wherein as established pursuant to state law it is unlawful for livestock to be at large. This definition shall apply only to those livestock districts or portions of livestock districts lying within the jurisdiction of Wasco County.

“Open range” means any area outside the boundaries of a city that is not within the boundaries of a livestock district.

“Owner” means:

- (1) Any person who is one of the following: (a) the licensed owner of an animal; (b) who has a property right in an animal; (c) who, without regard to any ownership interest, keeps an animal; (d) who has an animal in their care, possession, custody or control for 31 days or more; or (e) who

knowingly permits an animal to remain on any premises occupied by the person for 31 days or more.

(2) Owner does not include licensed veterinarians or licensed and permitted kennel owners that are temporarily keeping animals owned by other persons on their premises for less than 31 days. This definition does not relieve any person from the requirements of this Act as it relates to animals at large.

(3) Any person, except a licensed veterinarian or a licensed kennel owner, who resides where an animal is kept, harbored, or cared for, shall be presumed to be the owner of that animal. This presumption may be rebutted by proof that such person is not harboring the animal, that the animal is not in that person's care, possession, custody, or control, or that the person does not knowingly permit the animal to remain on any premises occupied by the person.

"Unconfined" means not securely confined indoors or confined in a securely locked pen or structure upon the premises of the owner or keeper of a dangerous dog. Such a pen or structure must be constructed in a manner adequate to ensure the confinement of the dangerous dog.

Section 3. County Authority Powers and Duties. The powers and duties of County shall be as follows:

- (1) To enforce the provisions of this Act and to discharge the duties provided therein.
- (2) To maintain or contract for the maintenance of an animal shelter (should County so choose to operate a shelter) or other place where all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food, water, shelter, and medical care.
- (3) To collect or provide for the collection of by contractually authorized private vendors, any costs, fees and charges hereinafter provided for the licensing, impounding and keeping of any animal.
- (4) To perform any other duties, develop any programs, and participate in any activities consistent with normally accepted and modern animal welfare operations.

DOG LICENSES

Section 4. Dog Licenses Required. Every person owning or keeping any dog that has a set of permanent canine teeth or that is six months old, whichever comes first, shall within 30 days after becoming the owner or keeper of the dog, and pursuant to this Act shall procure from the County or their designee a license for the dog. Every dog licensed shall display its license tag in all instances when it is deemed to be at large.

Section 5. Reserved.

Section 6. Dog License Validity. The following conditions apply to the validity of the dog license:

- (1) Dog licenses shall be valid for a period of one, two or three years from the date of purchase, at the option of the owner/keeper or to the rabies expiration date, whichever comes first.
- (2) A dog license is not transferable to another dog. The dog license is assigned to the dog and shall remain with the dog upon transfer to another owner for the life of the license. Upon transfer, the dog's new owner shall notify the County of the transfer within 30 days of the transfer.
- (3) A dog displaying a current license from jurisdictions outside Wasco County, but within the State of Oregon, shall not require licensing under Section 4 of this Act until expiration of the

current license, provided that the dog remains in the possession of the owner to whom the license was duly issued.

Section 7. Fees. Except for assistance animals exempt from licensing fees in ORS 609.105, the Board of County Commissioners shall annually determine and set all dog license fee amounts, including kennel licenses and animal rescue entity licenses. If licensing authority is granted to an animal rescue entity, it may add up to a 20% administrative fee on top of the license fee. The County may allow for fees to be collected and retained by the licensing shelter by order of the Board of County Commissioners provided that an annual accounting of said fees are presented to the Board of County Commissioners or their designee. Any such fees collected shall be utilized exclusively for animal rescue entity operations.

Section 8. Reserved.

Section 9. Licensed Veterinary Clinics. A licensed veterinary office doing business in the County shall be required to license dogs seen in their office. A licensing data system shall be made available to such offices for use in the licensing of dogs. All supplies necessary to license a dog shall also be made available. A licensing fee of an amount determined by the Board of Commissioners shall be retained for each dog licensed at the facility. Upon request, a licensed veterinary clinic shall provide a detailed accounting of the dogs seen at the clinic to the Animal Control Officer.

Section 10. Kennel Licenses. The following terms apply to kennel licenses issued by the County:

- (1) Kennel licenses shall be valid for a one-year period from the date of purchase.
- (2) Dogs kept primarily in kennels and entitled to be licensed under a kennel license shall be covered by one kennel license issued by the office of the Wasco County Community Development Department, such license shall be posted in a conspicuous place on the kennel.
- (3) A person requesting a kennel license shall establish by affidavit or signed statement (a) that the kennel complies with applicable land use laws and ordinances; (b) that the person houses the dogs primarily in a kennel, as defined herein; (c) that the person has five dogs or more; (d) that the person has not been convicted of animal abuse under County or state law for failure to maintain minimum care standards; and (e) that the person has not been convicted under County or state law for allowing the owned dogs to be at large during any period for which the person has had a kennel license.
- (4) Any owner or keeper convicted of animal abuse under state or County law by virtue of the conditions under which dogs are kept in the owner or keeper's kennel shall not be entitled to be licensed as a kennel.
- (5) Three or more total civil infractions of the kennel license holder or one or more persons employed by or working at the kennel, or a combination of both for an infraction of the Animal Services Code within any period of twelve consecutive calendar months shall result in revocation or non-renewal of kennel licenses granted under this section.
- (6) The owner applying for a kennel license or license renewal shall grant authority to visit the premises to such County representatives as is necessary to verify that the qualifications set forth in the application are met.

Section 11. Inspection and Licensing of Animal Rescue Agencies. The following terms apply to kennel licenses:

(1) Any animal rescue entity operating, in whole or in part, in Wasco County shall obtain an animal rescue entity license from the State of Oregon prior to beginning operations. An animal rescue entity license does not in any way exempt the holder from their responsibility of complying with any other provision of Wasco County Code, zoning or permitting requirements, or other applicable law, unless specifically provided for by law.

(2) Any animal rescue entity operating, in whole or in part, in Wasco County shall be subject to regular inspections by enforcement officers for compliance with minimum care standards and such other criteria as may be established by the County or by state law. (3) Failure to allow an inspection at any reasonable time is a Class B violation.

Section 12. Violation. Violation of any provision of Sections 4 to 11 of this Act is a Class B Violation.

ANIMAL VIOLATIONS

Section 13. Entry Onto Private Land.

(1) Before entering onto private land, an enforcement officer shall obtain consent of the person with actual authority to give consent, unless they have a warrant or warrant exception that authorizes entry.

(2) If the owner or occupant is not willing or able to consent or cannot be found, an enforcement officer shall obtain a warrant before entering onto private property.

(3) An enforcement officer in the course and scope of the officer's duties has the privilege of entering onto private land only if there is probable cause to believe that there is imminently hazardous, unsafe, or dangerous circumstances requiring immediate action to avoid serious damage to property, serious injury or death.

Section 14. Conditions When Animals Are in Violation of the Code. An animal other than livestock is in violation of this Act if it:

(1) Bites, injures or attacks a person;

(2) Chases vehicles or persons;

(3) Damages or destroys property of persons other than the owner of the animal;

(4) Scatters garbage;

(5) Trespasses on private property of persons other than the owner of the animal;

(6) Disturbs any person by frequent or prolonged noises;

(7) Places a person in reasonable fear of imminent physical injury, when such incident takes place off the premises of the animal's owner or keeper;

(8) Injures or kills an animal, livestock or fowl belonging to a person other than the owner or keeper of the animal; or

(9) Is found to be in violation of Section 15 of this Act.

(10) An animal shall not be considered to be in violation of this Section if the subject animal bites a person or another animal wrongfully assaulting the subject animal or if the subject animal bites a person or other animal trespassing upon premises occupied by the dog's owner or keeper after being provoked by that person.

Section 15. Animals At Large.

(1) Any dog found at large is a public nuisance.

- (2) Any livestock in a livestock control district found at large is a public nuisance.
- (3) An owner or keeper of a dog or livestock shall be liable for a violation of this Section only if such public nuisance resulted from the owner or keeper's negligent conduct.

Section 16. Dangerous Dog.

- (1) No owner or keeper of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of the owner or keeper.
- (2) No owner or keeper of a dangerous dog shall suffer or permit such animal to go beyond the premises of such person unless such animal is humanely muzzled and securely leashed or otherwise securely restrained.

Section 17. Impermissible Harboring. No person shall own, harbor, or keep any dog with knowledge that, while off the premises owned or controlled by its owner or keeper and while not acting under the direction of its owner or keeper or employees or agents of such persons, the dog has killed or injured any person.

Section 18. Violations.

- (1) Except as provided herein, violation of any provision of Sections 13 to 17 is a Class B violation.
- (2) Violation of Section 14 (1), (7) or (8) (Conditions When Animals Are in Violation of the Code), Section 15 (Animals at Large), Section 16 (Dangerous Dogs) or Section 17 (Impermissible Harboring) is a Class A violation.

Section 19. When Impoundment of Dogs Authorized. When a dog is in violation of Sections 13 to 17, any peace officer or enforcement officer may, in addition to citing the owner for a violation under Section 18, impound the dog.

Section 20. Biting Dogs-Quarantined.

- (1) When a peace officer employee or enforcement officer has grounds to suspect that a dog is infected with the disease of rabies, a written notice shall be delivered to the owner. The owner shall thereupon be required to quarantine his or her dog for 10 days. A dog bite that breaks the skin of any person shall constitute grounds for suspecting their dog to be so infected, and the ten-day quarantine will be from the date of the bite. The delivery of the notice to a member of the owner's family 18 years or older at the premises where the dog is kept or at the owner's usual place of abode, shall constitute delivery of notice to the owner.
- (2) Any dog required to be quarantined shall be confined pursuant to requirements established by the County:
 - (a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person as indicated in the notice of quarantine requirements;
 - (b) At the owner's expense at a veterinary hospital, the small animal shelter, or a kennel approved by the County; or
 - (c) In any other manner approved by the County in consideration of the circumstances surrounding the bite incident and the animal involved.
- (3) Any animal that has been bitten by an animal proved to be rabid may be euthanized at the discretion of the County.
- (4) If an animal exhibits symptoms of rabies while it is under quarantine, the director of the North Central Public Health District or designee may order in writing that it be euthanized and its head be submitted as directed to the Oregon State Public Health Laboratory for testing.

(5) Failure to quarantine an animal as directed under this section is a Class A violation.

IMPOUNDMENT

Section 21. Impoundment; Facilities. All dogs taken up and impounded under this Act shall be held in an adequate and sanitary facility as required by the laws of the state. Any dog so impounded shall be held for at least five days from the date of such impounding before being adopted, destroyed or otherwise disposed of. However, in the case of any dog impounded for biting a person, the dog shall be impounded for at least 10 days before redemption or destruction to determine if the dog is rabid.

Section 22. Impoundment; Notification to Owner; Disposition of Animals. If the dog is impounded, the impounding officer shall make reasonable effort to identify the owner of the dog and shall notify the owner of the dog of the fact of impounding and the alleged reasons therefore. If the dog is unlicensed, or no owner can be ascertained within five days from its impounding, it shall be euthanized in a humane manner. The provisions of Sections 21 to 24 are subject to, and superseded by, any existing and applicable law of the state providing for rabies control.

Section 23. Impoundment; Fees. The owner of any dog that is impounded under this Act shall be liable to the County for impoundment fees in such amounts as the Board of County Commissioners shall determine in its fee schedule.

Section 24. Care of Dogs of Inmates at County Correctional Facility.

(1) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in Section 21, during which time the inmate must either make arrangements for the animal to be picked up at the shelter or make arrangements for payment of impoundment fees for the animal. Inmate signature agreeing to be responsible for impoundment fees shall be an acceptable method of assuring payment of such fees.

(2) A receipt shall be given to the peace officer, who shall deliver the 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 by this Section. At that time, the inmate shall also be given the option of releasing the dog.