

Chapter 6.04

ANIMAL CONTROL REGULATIONS

Sections:

6.04.010	Definitions.
6.04.020	License required.
6.04.030	Prohibition of animals at large.
6.04.040	Nuisance behavior.
6.04.050	Dangerous animals.
6.04.060	Impoundment.
6.04.070	Impoundment notice.
6.04.080	Release of impounded animals.
6.04.090	Disposal.
6.04.100	Animal abuse and neglect.
6.04.110	Forfeiture of ownership of abused animals.
6.04.120	Injury to animals by vehicles.
6.04.130	Violations—Penalties.

6.04.010 Definitions.

As used in this chapter:

“Animal” means, except natural persons, any animate being which is endowed with the power of voluntary motion including but not limited to livestock, other mammals, fish and reptiles.

“Animal control officer” means the city manager, or a designee of the city manager.

“At large” means an animal inside the city corporate limits, off the premises of the owner, and not under complete control by adequate leash or by being restrained in an enclosure such as a pen or carrier. Excepted from this definition are all cats and those dogs in obedience or field training exercises under the direct supervision of a handler in areas designated and posted by the city, and dogs on exhibition in dog shows.

“Dangerous animals” means any animal which has the propensity to bite or attack a person or animal without provocation and the capacity to inflict serious harm on that person or animal. It shall be presumed that any animal which has injured a person or animal on two occasions without provocation is a dangerous animal.

“Exposed to the public” means an owner of a dangerous animal shall have exposed the animal to the public whenever the animal is not in complete control of the owner by adequate leash when off the owner's property or not within the owner's home or otherwise within a containment device or cage which prevents the animal's access to any public right-of-way or neighboring private property and which also prevents persons on such public right-of-way or neighboring property from coming in contact with the dangerous animal.

“Owner” means any person who is the owner of an animal, or who has a right of property in an animal, or who harbors an animal, or who has it in his or her care, possession, custody or control, or who knowingly permits an animal to remain on any premises occupied by him or her. Any person, except a veterinarian or commercial kennel operator, who resides where a dog is kept, harbored or cared for shall be presumed to be the owner of that dog. This presumption may be rebutted by proof that such person has no property right in the animal, is not the licensed owner, or is neither harboring nor caring for the animal. (Ord. 763 § 5-630, 1989)

6.04.020 License required.

Every dog shall be licensed according to Douglas County ordinance, and no person shall own or have custody of a dog within the city not so licensed. (Ord. 763 § 5-631, 1989)

- 6.04.030 Prohibition of animals at large.
- A. No animal owner shall permit an animal to be at large.
 - B. An animal owner is deemed to be negligent per se for the actions of an animal at large when the animal causes injury to a person or property. (Ord. 763 § 5-632, 1989)

- 6.04.040 Nuisance behavior.
- An animal is a nuisance if it is determined by the animal control officer that the animal:
- A. Makes noise in such a manner as to annoy or disturb a reasonable person of normal sensitivities;
 - B. Has been apprehended while at large more than three times within the past three months;
 - C. Has injured, damaged, destroyed or trespassed on any property whether real, personal or mixed, not owned by or under the control or custody of the animal owner;
 - D. Has bitten a person, except when such animal has been provoked to bite while on the owner's property;
 - E. Injures or kills another animal belonging to a person other than the animal owner while on property not belonging to the animal owner. (Ord. 763 § 5-633, 1989)

- 6.04.050 Dangerous animals.
- A. No owner of a dangerous animal shall allow the animal to be exposed to the public.
 - B. Any dangerous animal which is exposed to the public is a nuisance. (Ord. 763 § 5-634, 1989)

- 6.04.060 Impoundment.
- A. An animal which is a nuisance or is at large may be summarily seized by any person, who shall then properly notify the animal control officer or any police officer. That officer may then promptly impound the animal.
 - B. No person shall fail to surrender an animal to a person identifiable as an animal control officer or peace officer upon their demand when such a demand is reasonably made so that the animal can be impounded or quarantined as provided in this chapter.
 - C. Nothing in this section shall be construed to allow any person to enter private property except in accordance with law. (Ord. 763 § 5-635, 1989)

- 6.04.070 Impoundment notice.
- Upon the impoundment of an animal the animal control officer shall, within five days, give written notice of the impoundment by regular mail or personal delivery to the animal owner if that person is known or can be identified from a tag on the animal. The notice shall state that, if the animal is not released to the animal owner within five days after the giving of the notice, the animal control officer may dispose of the animal without further recourse by the animal owner. If the animal owner is not known and cannot be identified from a tag on the animal, the animal control officer shall, within five days of the animal's impoundment, post a notice on the bulletin board at City Hall. The notice shall state the color, size, sex and, if determinable, the breed of the animal. The notice shall further state that, if the animal is not released to the animal owner within five days after the giving of the notice, the animal control officer may dispose of the animal without further recourse by the animal owner. (Ord. 763 § 5-636, 1989)

- 6.04.080 Release of impounded animals.
- A. Except for dangerous animals and injured or sick animals, an animal owner may obtain release of his or her impounded animal upon payment of the cost of boarding and caring for the animal, an impound fee as established by the animal control officer and the posting of bail with the court having jurisdiction over the offense for any complaint or citation issued for violation of this code.
 - B. Before the animal control officer may release a dangerous animal which has been

exposed to the public and impounded, the court having jurisdiction must enter findings that proper precautions will be taken to insure the public health and safety.

C. Before obtaining the release of a dangerous animal, the owner shall pay the cost of boarding and caring for the animal, a dangerous animal impound fee as set by the animal control officer, and post bail at the court having jurisdiction for the offense for any complaint or citation issued for violation of this code.

D. The animal control officer may refuse to release any animal which he or she has reason to believe is infected with any contagious disease which would present a danger to public health upon the release of the animal.

E. The animal control officer may refuse to release any animal which he or she reasonably believes would be subjected to injury or abuse upon release.

F. The animal control officer will notify, in writing, the owner of an animal of the animal control officer's decision to not release an animal, stating the reasons for such a decision. The owner of such an animal may appeal the decision of the animal control officer to the municipal court, which shall hear all the evidence offered by either side and render a final decision. (Ord. 763 § 5-637, 1989)

6.04.090 Disposal.

A. An animal which an animal control officer or any police officer reasonably believes is rabid may be summarily killed by that officer.

B. A dangerous animal which is exposed to the public and because of its disposition or diseased condition is too hazardous to apprehend may be destroyed by an animal control officer, a police officer, or by a person acting in defense of himself or another person.

C. After holding an animal for five days, the animal control officer may promptly dispose of any unreleased impounded animal by public auction, by gift, or by killing it in a humane manner. (Ord. 763 § 5-638, 1989)

6.04.100 Animal abuse and neglect.

A. No owner or person in charge of an animal shall fail to provide his animal with food, drink and protection from the elements; nor shall he fail to keep in a clean and sanitary condition the facilities where his animal is kept.

B. No person shall put out or place poison where the same is likely to harm domestic animals.

C. No person shall abandon, overwork, torture, beat, mutilate or cruelly or needlessly kill an animal; nor shall the owner or person in charge of an animal transport his animal or permit it to be transported in a cruel and inhumane manner.

D. Except as otherwise permitted by ordinance, no person shall fire or discharge a firearm, air gun or other similar device, or throw a missile at an animal, with the intent to injure or kill the same. (Ord. 763 § 5-640, 1989)

6.04.110 Forfeiture of ownership of abused animals.

A. In addition to any other penalty it may impose, a court may require a defendant convicted under Section 6.04.100 to forfeit any rights of the defendant in the animal subject to abuse, neglect, or abandonment, and to pay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to abuse, neglect or abandonment.

B. If the court orders the defendant's rights in the animal to be forfeited, the court may further order that those rights be given to the animal regulation authority for further disposition. This subsection shall not constitute or authorize any limitation upon the right of the animal regulation authority. A transfer of right under this subsection constitutes a transfer of ownership. (Ord. 763 § 5-641, 1989)

6.04.120 Injury to animals by vehicles.

Any person operating a vehicle, as defined by ORS 801.590, who runs over, strikes, injures, maims or kills any animal shall immediately stop and render aid to the animal if it is injured, or provide for disposition of the carcass, if it has been killed. The person shall make a prompt and diligent inquiry to determine the owner of the animal, and to notify the owner of the occurrence. (Ord. 763 § 5-642, 1989)

6.04.130 Violations—Penalties.

A. A violation of Section 6.04.100(B) and (C) is punishable by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or confinement in jail not to exceed one year, or both fine and imprisonment.

B. A violation of Section 6.04.100(A) and (D) is punishable by a fine not to exceed one thousand dollars (\$1,000.00) or confinement in jail not to exceed six months, or both fine and imprisonment.

C. A violation of Sections 6.04.050 and 6.04.060 is punishable by a fine not to exceed one thousand dollars (\$1,000.00.)

D. A violation of Sections 6.04.020, 6.04.040 and 6.04.120 is punishable by a fine not to exceed two hundred fifty dollars (\$250.00.) (Ord. 763 § 5-901 (part), 1989)