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AGENDA COVER MEMO

AGENDA DATE: June 2, 2004

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: LANE COUNTY MANAGEMENT SERVICES

PRESENTED BY: Mike Wellington, Animal Regulation Authority Program Manager
David Suchart, Management Services Director

AGENDA ITEM TITLE: Second Reading and Public Hearing:/ Ordinance No. 14-04/In the Matter of Amending Lane Code Chapter 7 to Revise Noncommercial Kennel and Dangerous Dog License/Fee Requirements (LC 7.075, 7.085, 7.135) and Order No. *****/In the Matter of Amending Lane Manual Chapter 60 to Revise Animal Regulation Authority Fees (LM 60.825)

I. MOTION

- a) I move to enact Ordinance No. 14-04/In the Matter of Amending Lane Code Chapter 7 to Revise Noncommercial Kennel and Dangerous Dog License/Fee Requirements.
- b) I move to adopt Order No. *****/In the Matter of Amending Lane Manual Chapter 60 to Revise Animal Regulation Authority Fees.

II. ISSUE OR PROBLEM

The fees and charges of the Lane County Animal Regulation Authority (LCARA) have not been updated for at least a decade, according to our research. Meanwhile, program expenses, primarily driven by personnel costs, have continued to increase. Good financial and program management dictate the periodic review and adjustment of fees charged to those receiving the benefit for services, in order to ensure that those fees are being assessed at appropriate levels and in accordance with good public policy. Proposed amendments to Lane Manual Chapter 60 revising LCARA fees are being presented today for discussion and adoption by Order No. ****.

Concurrently, these proposed amendments to the Lane Manual Chapter 60 for Animal Regulation Authority fee changes require certain companion changes to the Lane Code with regard to noncommercial kennel requirements and dangerous dog license/fee requirements. These companion changes to the Lane Code are being presented today for Second Reading, Public Hearing and adoption by the Board of County Commissioners as Ordinance No. 14-04. The First Reading of Ordinance No. 14-04 took place on May 18, 2004.

III. DISCUSSION

A. Background

On November 24, 2003, LCARA staff brought to the Lane County Finance & Audit Committee a proposal for changes to the LCARA fee structure. At that time, the Committee's direction to staff was to postpone moving forward with the proposed fee changes until the citizen LCARA Advisory Task force had had an opportunity to present their report to the Board of Commissioners. That Task Force report was presented to the Board in December 2003.

On March 9, 2004, the Finance & Audit Committee again discussed the matter of proposed changes to the LCARA fees in Lane Manual Chapter 60. The Committee provided input to staff related to these changes, which has been incorporated in the proposed amendments being brought forward to the Board. The Finance & Audit Committee voted unanimously to bring this issue to the Board of Commissioners for discussion and approval.

Prior to adopting changes to Animal Regulation Authority fees in Lane Manual Chapter 60, certain supporting changes are required to the underlying Lane Code requirements related to noncommercial kennel and dangerous dog license/fee requirements. Those underlying Code changes are the subject of Ordinance No. 14-04, which is being considered concurrently today, along with Order No. *****, which authorizes amendments to the Lane Manual related to the proposed fee revisions.

B. Analysis and Discussion of Proposed Amendments to Lane Code Chapter 7

The intention of both staff and the Finance & Audit Committee with regard to **non-commercial kennel licensing fees** is to eliminate the non-commercial kennel license fee category and, instead, offer owners of multiple dogs the option of either obtaining a commercial kennel license or, alternatively, allowing them to individually license their animals.

The noncommercial kennel license is currently set at a \$25 fee for owners licensing up to eight animals. This low fee structure for noncommercial kennels generates revenue which is significantly less than the actual cost of County staff time to process the licenses in this fee category, resulting in a net loss of money to LCARA. Offering the options of either obtaining a commercial license or allowing individual licensing of the animals will eliminate this operating deficit issue around noncommercial licenses.

The intention with regard to **dangerous dog licensing** and fees is to establish the additional dangerous dog licensing and supervision fee as an annually-renewable fee, with the amount of the annual fee to be established by Board order along with the other LCARA fee amendments to the Lane Manual. The new proposed fees in this category are included in the amendments to Chapter 60 of the Lane Manual.

C. Analysis and Discussion of Proposed Amendments to Lane Manual Chapter 60

Issue 1 - Proposed Fee Increases and Related Revenue Projections

The fee schedule in the Lane Manual that addresses Lane County Animal Regulation is incomplete and has not been updated for a significant period of time. LCARA's financial goal in proposing these recommendations is to continue to reduce dependence on General Fund resources, in accordance with the County's Strategic Plan. LCARA management believes the fee increases and related recommendations outlined in Order No. ***** will not only assist in achieving this financial goal, but we also believe they are consistent with animal control standards and practices throughout the country. Proposed amendments to Lane Manual Chapter 60.825(1)-(16) would enact these fee increases.

During Fiscal Year 2002-03 (FY03), Lane County generated approximately \$50,600 from the sale of dog licenses. If the staff-recommended fee increase had been in place, dog license fees would have generated an additional estimated \$20,600 for that period. Additionally, changes in the dog-licensing program were implemented this past year, which have resulted in an increase in the sale of dog licenses. If the current sales trend continue, along with the staff-recommended fee increases, the estimated dog license revenue for FY05 would likely reach or exceed \$77,500. This translates to a potential **increase in revenue for FY05 of nearly \$27,000** over the FY03 revenue levels for the sale of dog licenses.

In FY03, Lane County generated \$9,750 through the sale of non-commercial kennel licenses. If the staff-recommended fee had been in place at the lowest level of \$15 per dog (with a minimum of three altered dogs), the revenue would have been closer to \$15,250—an increase of over \$5,500. Using the total sales of 339 non-commercial licenses sold during FY03 as a renewal base, and the minimum formula of three dogs, revenue for FY05 would be \$15,250 for this program. This would be an **increase in revenue for FY05 of \$5,500** from FY03.

A conservative estimate, then, of the increased County revenue which might be anticipated as a result of adoption of the staff-recommended fees for dog licenses and non-commercial kennel licenses (and fee revenue for potentially dangerous dogs) is at least **\$32,000 over the FY03 revenue levels.**

Issue 2 - Proposed Voluntary Feline Registration Program

From 1996 through June of 2001, LCARA accepted and processed over 7,000 cats, of which roughly 6,000 were euthanized due to injury or illness of the animal or inability to locate the legal owner. Owned cats which carry no identification or for which identification is lost are at risk of being inadvertently euthanized if separated from the owner. A cat identification program would provide a method for distinguishing between owned and unowned cats, reducing the potential for family pets to be euthanized or adopted out to new owners.

During FY03, LCARA began keeping more detailed and accurate records for adoptable domestic vs. non-adoptable feral cat intake due to the escalating number of cats being taken and the associated costs to the agency. Of the 2,195 cats impounded at LCARA during that fiscal year, 87% were euthanized. Of that 87%, 84%

were listed as non-adoptable (probably feral) and 3% were euthanized by owner request. The remaining 13% of the intake numbers represented animals which were adopted or returned to the owner. These services resulted in an approximate per-cat processing cost to the Authority of \$42.00 per animal.

In FY97, LCARA accepted and processed 1,088 cats. In FY03, LCARA processed 2,195 cats. This is a increase of over 50% in the annual intake of felines over a seven-year period. Over the past seven years, LCARA has impounded a total of 11,360 cats. Using the 84% euthanasia rate calculated for FY03, we estimate that over 9,500 cats were euthanized in the seven-year period from FY97-FY03 at LCARA. A further setback was sustained in efforts to address the cat overpopulation situation when the cattery operation was closed and related services eliminated on July 1, 2003, by decision of the Board of Commissioners in response to a Eugene City Council decision to not fund cattery services for FY04.

In the view of many in this community, this high rate of euthanasia or, worse yet, the elimination of cattery services altogether, are unacceptable responses to the problem of cat overpopulation. One measure the County should consider towards alleviating this situation is implementing a voluntary registration and regulation program for cats, with the revenues generated therefrom to be reinvested in the cattery program and/or used for subsidized spay/neuter services.

Unlike many other jurisdictions, such as Gresham, Portland, Multnomah County, and Spokane and Seattle, Washington, Lane County has no identification requirement or regulations related to domestic cats. LCARA staff is strongly recommending implementation of a voluntary cat registration program by Lane County and partner jurisdictions. Proposed amendments to Lane Manual 60.825(4) would establish the fee levels for this voluntary cat registration program.

In initial discussions with City of Eugene staff, they have indicated their willingness to take forward for discussion with and approval by the City Manager both the proposed fee increases (which would also need to be implemented in City Code for enforcement in the city limits) and the voluntary feline registration program, if the County were to adopt either or both of these changes.

Issue 3 - Proposal to Grant Authority to Offer Promotional Fee Reductions

In efforts to encourage pet-owner compliance with licensing requirements and also to provide incentives for animal adoptions, it is very effective for LCARA management to have the flexibility to offer special promotional incentives in the form of limited-time license fee reductions or license/tag combination fee specials. Therefore, staff is recommending that the LCARA Manager be granted the authority to offer temporary license fee reductions and/or license/tag combination fee specials for the purpose of increasing licensing compliance and/or animal adoptions. Proposed amendments to Lane Manual 60.825(17) would establish this authority.

Issue 4 - Proposal for Funding a Spay/Neuter Voucher Program - An increase in fee-generated revenue can be achieved through modifications to licensing, impound and adoption fees but does not allow us to directly address the problem of over-population of unwanted animals. Our community is looking for assistance with the high cost of spaying and neutering domestic pets. Spaying, neutering and education are the key tools we have for reducing the pet over-population problem.

One of the recommendations of the LCARA Advisory Task Force was to earmark a portion of revenue proceeds from future license increases to fund additional spay/neuter efforts. While staff supports the underlying intent of this recommendation, we also have concerns about the administrative effort in calculating and tracking this revenue on an incremental basis. As an alternative, and to ease the administrative effort, staff is proposing that a flat 5% of total license revenue (vs. the recommended 10% of the incremental revenue from fee increases) be earmarked for a one-year pilot program to be used for a spay/neuter voucher program for low-income pet owners in the community. Staff further suggests that voucher eligibility criteria be developed by staff and approved by the County Administrator for this pilot period. A report would be brought to the Board at the end of the one-year pilot period of the actual activity and results of this program, at which time a decision could be made to adjust the program or to incorporate the program in the Lane Manual.

D. Future Potential Changes to Related Code Sections

It should be recognized that neither these proposed changes to the Lane Code nor the upcoming proposed fee amendments to the Lane Manual will address the existing limits on the number of dogs that can be kept. Those are a function of the zoning codes. A review by Lane Management Division has indicated that for the zones OUTSIDE the urban growth boundary, eleven of the zones have language imposing certain regulations regarding limits on the number of dogs in either a commercial or a noncommercial kennel. See Attachment E, "Summary of Kennel Regulations in Lane Code Chapter 16". If the Board wishes changes to these, it would be appropriate to provide direction to the Land Management Division to come back with a description of this work task and the timelines involved, as well as a discussion to address amendments to zones outside city limits but within the urban growth boundary.

E. Alternatives/Options

- 1a. Move to enact Ordinance No. 14-04/In the Matter of Amending Lane Code Chapter 7 to Revise Noncommercial Kennel and Dangerous Dog License/Fee Requirements. **AND**
- 1b. Move to adopt Order No. ***** /In the Matter of Amending Lane Manual Chapter 60 to Revise Animal Regulation Authority Fees. **OR**
2. Move amendments to the proposed Ordinance No. 14-04 and/or Order No. ***** prior to adoption. **OR**
3. Move to not enact Ordinance No. 14-04 and/or adopt Order No. ***** at this time.

F. Implications and Timing

Staff is recommending an implementation and effective date of July 1, 2004, or as soon thereafter as is practicable, for both the Lane Manual changes related to LCARA fees and for implementation of a voluntary cat registration program.

Although approved fee increases would be effective as of July 1, dog owners will be able to purchase single or multi-year licenses up through June 30 at the old fee levels,

and LCARA will be promoting this "bargain licensing" opportunity as a way of encouraging licensing with owners who may not currently be in compliance.

G. Recommendation

Staff recommends the enactment of Ordinance No. 14-04 and the adoption of Order No. *****

IV. ATTACHMENTS

Attachment A – Ordinance 14-04

Attachment B – Proposed changes to Lane Code Chapter 7

Attachment C – Order No. *****

Attachment D – Proposed changes to Lane Manual Chapter 60

Attachment E – "Summary of Kennel Regulations in Lane Code Chapter 16"

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 14-04

IN THE MATTER OF AMENDING CHAPTER 7 OF
LANE CODE TO REVISE NONCOMMERCIAL
KENNEL AND DANGEROUS DOG LICENSE/FEE
REQUIREMENTS (LC 7.075, 7.085, 7.135)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 7 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

7.075
as located on page 7-6
(a total of 1 page)

7.085
as located on page 7-7
(a total of 1 page)

7.135
as located on page 7-10
(a total of 1 page)

INSERT THESE SECTIONS

7.075
as located on page 7-6
(a total of 1 page)

7.085
as located on page 7-7
(a total of 1 page)

7.135
as located on page 7-10
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise noncommercial kennel and dangerous dog license/fee requirements (LC 7.075, 7.085, 7.135).

ENACTED this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4/28/04 Lane County


OFFICE OF LEGAL COUNSEL

7.070 Dog Licenses.

(1) Every owner of a dog which has a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for the dog. If the dog owner moves into Lane County, the owner must obtain a license within 30 days of moving into the County.

(2) Licenses shall be valid for one, two or three years from the date of issuance or until sale or gift of the dog, whichever occurs first.

(3) No license shall be issued until a certification of vaccination for rabies, valid for the term of the license, is presented to the Animal Regulation Authority or duly authorized issuer.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee of \$10 will be charged if the license is renewed after it has become delinquent.

(5) A license tag issued to the dog shall be attached securely to a collar or harness on the dog for which it is issued. If a license is lost, the owner shall obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.

(6) A person who violates LC 7.070 commits a Class B violation. *(Revised by Ordinance No. 12-72, Effective 6.2.92; 4-74, 7.1.74; 15-75, 11.12.75; 16-75, 12.26.75; 14-81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-00, 4.12.00)*

7.075 License and Other Fees.

(1) Dog license fees shall be charged in amounts provided by order of the Board of Commissioners. The fees are due and payable upon the issuance of the license. A person who purchases a kennel license does not have to license the individual dogs as long as they live at the kennel. Also, a person who purchases a license for a commercial breeding kennel need not also obtain a commercial kennel license. Dogs in a noncommercial dog kennel shall be individually licensed.

(2) No license fee shall be required for any dog owner who needs and uses the dog as a seeing eye dog, hearing ear dog, or similar aide. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing of an affidavit by the person showing such dog to come within this exemption. Such affidavit shall be filed with the Animal Regulation Authority.

(3) After application upon a form to be provided by the Animal Regulation Authority, a permit may be issued to a licensed owner to use that dog as a watchdog. A fee for that permit shall be in addition to the individual license fee.

(4) If a dog owner has been fined or his or her dog has been classified or registered in another state, county or city because the dog engaged in the behaviors which would have constituted a violation pursuant to LC 7.025 or 7.130, the owner shall notify the Animal Regulation Authority of such classification, registration or fine at the time the owner licenses the dog. If the Director determines that the dog has committed such behavior, the Director may impound the dog, and may seek an order of the court that reasonable restrictions be placed on the dog, or that the dog be destroyed, upon a finding by the court that the restrictions or destruction would have been ordered had the behavior occurred in Lane County. A violation of LC 7.075(4) shall be a Class A violation. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 14-81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 5-94, 7.29.94; 1-00, 4.12.00)*

7.080 Uses of Watchdog.

Any business using a watchdog must conspicuously post the premises to warn the public of the watchdog. The dog must not be allowed access to the public that is on the property during business hours. If the dog is used outside of a building, the property must be

fenced in a way to prohibit the dog access to any public right-of-way. A violation of LC 7.080 is a Class C violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.085 Kennel License.

(1) No person shall operate a commercial kennel without the appropriate kennel license. Kennel licenses shall be valid from one year from the date of issuance.

(2) A violation of this section shall be a Class A violation.

(3) No kennel license shall be issued under this section to anyone in nonconformity with applicable zoning statutes and ordinances.

(4) The following provisions shall govern revocation of licenses.

(a) Three or more violations of this chapter within a period of 12 calendar months shall result in a revocation of licenses granted under this section.

(b) Such revocation may occur after a hearing before the hearings officer and after the licensee has been mailed a notice of a time to appear at least five days in advance of the hearing. Such notice shall include a general statement of the reasons for commencing the revocation proceedings. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 1-00, 4.12.00)*

7.090 Reporting of Biting Dogs.

(1) The owner of a dog which bites a human shall immediately notify the Animal Regulation Authority of such bite, the time and circumstances of such bite, and the name and address of the person bitten, if known.

(2) Any person who is bitten by a dog shall forthwith notify the Animal Regulation Authority of such bite giving a description of the dog, the time and circumstances of the bite and the name and address of the owner, if known.

(3) When a doctor, veterinarian, hospital employee, or other person has information that a person has been bitten by a dog, such person shall notify forthwith the Animal Regulation Authority.

(4) A violation of LC 7.090 is a Class A violation. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.095 Biting Rabid Dogs - Quarantine.

(1) When either the Animal Regulation Authority, the Department of Health and Human Services or the Department of Public Safety of Lane County has grounds to suspect that a dog is infected with the disease of rabies, there shall be delivered to the owner of the dog a written notice thereof. The owner shall thereupon be required to quarantine his or her dog for 10 days. The biting of any person by the dog shall constitute grounds for suspecting their dog to be so infected. The delivery of the notice to a member of the owner's family 15 years or older at the premises where the dog is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

(2) Any dog required to be quarantined shall be confined as follows.

(a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person; or

(b) At the owner's expense at a) veterinary hospital, the Animal Regulation Authority's kennel or a kennel approved by either the Department of Health and Human Services or the Animal Regulation Authority.

(3) Any animal that has been bitten by a dog proved to be rabid shall be destroyed.

(4) If a dog exhibits symptoms of rabies while it is under quarantine, the Director of the Department of Health and Human Services may order in writing that it be destroyed and its head be submitted as directed to the Oregon State Public Health Laboratory. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00)*

(i) the behavior in question was directed against a trespasser on the property of a business which owns a licensed watchdog, providing the owner has complied with LC 7.080 above, or

(ii) the behavior in question was directed against a trespasser that has illegally entered any residence. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.135 Dangerous Behavior Restrictions.

In addition to the other requirements of this Animal Control Code, the owner of a dog that has committed dangerous behavior as described in LC 7.130 may be ordered by the court to comply with the following additional restrictions in addition to any other restrictions the court deems reasonable under the circumstances:

(1) If the dog has engaged in Class C violation dangerous behavior pursuant to LC 7.130(1), the dog shall be restricted by a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property whenever the dog is outside the owner's home and not on a leash off the owner's property.

(2) If the dog has engaged in Class B violation dangerous behavior pursuant to LC 7.130(2), or, if the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(a) the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash off the owner's property or inside the home of the owner and shall also post warning signs, purchased from Lane County, on the property where the dog is kept.

(3) If the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(b), the owner shall meet the requirements of LC 7.135(2) and (3) above and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person over the age of 18.

(4) Any dog that has been found to have engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(c) through (e) may be euthanized. Any dog that has been found to have engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(e) shall be euthanized. In addition, the hearings officer has the authority to suspend, for a period of time, the dog owner's right to be the owner of any dog in Lane County, including dogs currently owned by that person.

(5) To ensure correct identification, all dogs that have engaged in dangerous behavior described in LC 7.130 shall be marked with a permanent identifying mark. The dog will also be required to wear an identifying collar and ID tag.

(6) In addition to the normal licensing fees established in LC 7.075 above, there shall be an additional licensing and supervision fee for dogs that have been determined to have engaged in dangerous behavior pursuant to LC 7.130 in amounts provided by order of the Board of Commissioners. This additional fee shall first be payable at the time that determination is made, and renewals are due upon the anniversary of the determination.

(7) A person who fails to comply with the provisions of LC 7.135 commits a Class A violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)

7.070 Dog Licenses.

(1) Every owner of a dog which has a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for the dog. If the dog owner moves into Lane County, the owner must obtain a license within 30 days of moving into the County.

(2) Licenses shall be valid for one, two or three years from the date of issuance or until sale or gift of the dog, whichever occurs first.

(3) No license shall be issued until a certification of vaccination for rabies, valid for the term of the license, is presented to the Animal Regulation Authority or duly authorized issuer.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee of \$10 will be charged if the license is renewed after it has become delinquent.

(5) A license tag issued to the dog shall be attached securely to a collar or harness on the dog for which it is issued. If a license is lost, the owner shall obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.

(6) A person who violates LC 7.070 commits a Class B violation. *(Revised by Ordinance No. 12-72, Effective 6.2.92; 4-74, 7.1.74; 15-75, 11.12.75; 16-75, 12.26.75; 14.81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-00, 4.12.00)*

7.075 License and Other Fees.

(1) Dog license fees shall be charged in amounts provided by order of the Board of Commissioners. The fees are due and payable upon the issuance of the license. A person who purchases a kennel license does not have to license the individual dogs as long as they live at the kennel. Also, a person who purchases a license for a commercial breeding kennel need not also obtain a commercial kennel ~~or noncommercial kennel license, and a person who purchases a commercial kennel license need not obtain a noncommercial kennel license if they choose to operate such a kennel license.~~ **Dogs in a noncommercial dog kennel shall be individually licensed.**

(2) No license fee shall be required for any dog owner who needs and uses the dog as a seeing eye dog, hearing ear dog, or similar aide. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing of an affidavit by the person showing such dog to come within this exemption. Such affidavit shall be filed with the Animal Regulation Authority.

(3) After application upon a form to be provided by the Animal Regulation Authority, a permit may be issued to a licensed owner to use that dog as a watchdog. A fee for that permit shall be in addition to the individual license fee.

(4) If a dog owner has been fined or his or her dog has been classified or registered in another state, county or city because the dog engaged in the behaviors which would have constituted a violation pursuant to LC 7.025 or 7.130, the owner shall notify the Animal Regulation Authority of such classification, registration or fine at the time the owner licenses the dog. If the Director determines that the dog has committed such behavior, the Director may impound the dog, and may seek an order of the court that reasonable restrictions be placed on the dog, or that the dog be destroyed, upon a finding by the court that the restrictions or destruction would have been ordered had the behavior occurred in Lane County. A violation of LC 7.075(4) shall be a Class A violation. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 14-81, 8.19.81; 2-82, 4.9.82; 5-86, 6.6.86; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 5-94, 7.29.94; 1-00, 4.12.00)*

7.080 Uses of Watchdog.

Any business using a watchdog must conspicuously post the premises to warn the public of the watchdog. The dog must not be allowed access to the public that is on the property during business hours. If the dog is used outside of a building, the property must be fenced in a way to prohibit the dog access to any public right-of-way. A violation of LC 7.080 is a Class C violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.085 Kennel License.

(1) No person shall operate a **commercial kennel**, ~~whether commercial or noncommercial~~, without the appropriate kennel license. Kennel licenses shall be valid from one year from the date of issuance.

(2) A violation of this section shall be a Class A violation.

(3) No kennel license shall be issued under this section to anyone in nonconformity with applicable zoning statutes and ordinances.

(4) The following provisions shall govern revocation of licenses.

(a) Three or more violations of this chapter within a period of 12 calendar months shall result in a revocation of licenses granted under this section.

(b) Such revocation may occur after a hearing before the hearings officer and after the licensee has been mailed a notice of a time to appear at least five days in advance of the hearing. Such notice shall include a general statement of the reasons for commencing the revocation proceedings. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 15-75, 11.12.75; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 4-85, 6.26.85; 1-00, 4.12.00)*

7.090 Reporting of Biting Dogs.

(1) The owner of a dog which bites a human shall immediately notify the Animal Regulation Authority of such bite, the time and circumstances of such bite, and the name and address of the person bitten, if known.

(2) Any person who is bitten by a dog shall forthwith notify the Animal Regulation Authority of such bite giving a description of the dog, the time and circumstances of the bite and the name and address of the owner, if known.

(3) When a doctor, veterinarian, hospital employee, or other person has information that a person has been bitten by a dog, such person shall notify forthwith the Animal Regulation Authority.

(4) A violation of LC 7.090 is a Class A violation. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.095 Biting Rabid Dogs - Quarantine.

(1) When either the Animal Regulation Authority, the Department of Health and Human Services or the Department of Public Safety of Lane County has grounds to suspect that a dog is infected with the disease of rabies, there shall be delivered to the owner of the dog a written notice thereof. The owner shall thereupon be required to quarantine his or her dog for 10 days. The biting of any person by the dog shall constitute grounds for suspecting their dog to be so infected. The delivery of the notice to a member of the owner's family 15 years or older at the premises where the dog is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

(2) Any dog required to be quarantined shall be confined as follows.

(a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person; or

(b) At the owner's expense at a veterinary hospital, the Animal Regulation Authority's kennel or a kennel approved by either the Department of Health and Human Services or the Animal Regulation Authority.

(a) a dog, while at large, bites or causes physical injury to any domestic animal which is not livestock;
(b) a dog bites any person;
(c) a dog, while at large, kills any domestic animal; or
(d) a dog, while at large, bites or causes physical injury to livestock; or
(e) a dog, whether or not confined, causes the serious injury or death of any person.

(4) (a) Notwithstanding LC 7.130(1) through (3) above, the Director shall have discretionary authority to refrain from prosecuting a violation, even if the dog has engaged in the behaviors specified in LC 7.130(1) through (3) above, if the Director determines that the behavior was a result of the victim abusing or tormenting the dog or other extenuating circumstances.

(b) No violation shall be found under LC 7.130(1) through (3) if:

(i) the behavior in question was directed against a trespasser on the property of a business which owns a licensed watchdog, providing the owner has complied with LC 7.080 above, or

(ii) the behavior in question was directed against a trespasser that has illegally entered any residence. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.135 Dangerous Behavior Restrictions.

In addition to the other requirements of this Animal Control Code, the owner of a dog that has committed dangerous behavior as described in LC 7.130 may be ordered by the court to comply with the following additional restrictions in addition to any other restrictions the court deems reasonable under the circumstances:

(1) If the dog has engaged in Class C violation dangerous behavior pursuant to LC 7.130(1), the dog shall be restricted by a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property whenever the dog is outside the owner's home and not on a leash off the owner's property.

(2) If the dog has engaged in Class B violation dangerous behavior pursuant to LC 7.130(2), or, if the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(a) the owner shall confine the dog within a secure enclosure whenever the dog is not on a leash off the owner's property or inside the home of the owner and shall also post warning signs, purchased from Lane County, on the property where the dog is kept.

(3) If the dog has engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(b), the owner shall meet the requirements of LC 7.135(2) and (3) above and shall, additionally, not permit the dog to be off the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person over the age of 18.

(4) Any dog that has been found to have engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(c) through (e) may be euthanized. Any dog that has been found to have engaged in Class A violation dangerous behavior pursuant to LC 7.130(3)(e) shall be euthanized. In addition, the hearings officer has the authority to suspend, for a period of time, the dog owner's right to be the owner of any dog in Lane County, including dogs currently owned by that person.

(5) To ensure correct identification, all dogs that have engaged in dangerous behavior described in LC 7.130 shall be marked with a permanent identifying mark. The dog will also be required to wear an identifying collar and ID tag.

(6) In addition to the normal licensing fees established in LC 7.075 above, there shall be an ~~annual~~ **additional licensing and supervision fee of \$25** for dogs that

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 60
OF THE LANE MANUAL TO REVISE ANIMAL
REGULATION AUTHORITY FEES (LM 60.825)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 60 is hereby amended by removing, substituting and adding the following section:

REMOVE THIS SECTION

60.825
as located on pages 60-9
(a total of 1 page)

INSERT THIS SECTION

60.825
as located on pages 60-9 through 60-10
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise Animal Regulation Authority fees (LM 60.825).

Adopted this _____ day of _____ 2004.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 4/28/04 Lane County



OFFICE OF LEGAL COUNSEL

60.825 Animal Regulation Authority Fees.

The following fees shall be charged by the Animal Regulation Authority:

- | | | |
|------|--|----------------------------|
| (1) | Dog license/Regular | |
| | One Year..... | \$ 35.00 |
| | Two Years..... | \$ 55.00 |
| | Three Years..... | \$ 70.00 |
| (2) | Dog license/Neutered | |
| | One Year..... | \$ 15.00 |
| | Two Years..... | \$ 25.00 |
| | Three Years..... | \$ 35.00 |
| (3) | (a) Dog license/Regular/senior citizen (65 or over) owner | |
| | One Year..... | \$ 35.00 |
| | Two Years..... | \$ 55.00 |
| | Three Years..... | \$ 70.00 |
| | (b) Dog license/Neutered/senior citizen (65 or over) owner | |
| | One Year..... | \$ 10.00 |
| | Two Years..... | \$ 17.00 |
| | Three Years..... | \$ 25.00 |
| (4) | (a) Voluntary juvenile (under 6 months of age) | |
| | dog/cat ID registration..... | \$ 5.00 |
| | (b) Voluntary cat registration, One Year | |
| | Regular..... | \$ 8.00 |
| | Neutered..... | \$ 4.00 |
| (5) | Duplicate license | \$ 2.00 |
| (6) | Noncommercial kennel license | dogs individually licensed |
| (7) | Commercial kennel license | \$ 100.00 |
| (8) | Commercial breeding kennel | |
| | (3 to 10 dogs over six months old) | \$ 200.00 |
| | (11 or more dogs over six months old)..... | \$ 300.00 |
| (9) | Impoundment | |
| | First incident..... | \$ 25.00 |
| | Second incident..... | \$ 50.00 |
| | Third and subsequent incidents | \$ 100.00 |
| (10) | Daily care (per day maximum)..... | \$ 10.00 |
| (11) | Watchdog permits | \$ 25.00 |
| (12) | Dangerous dog additional license and supervision fee | |
| | (a) Dangerous Behavior Class A Violator | |
| | First Year | \$ 200.00 |
| | Annual Renewal | \$ 100.00 |
| | (b) Dangerous Behavior Class B Violator | |
| | First Year | \$ 100.00 |
| | Annual Renewal | \$ 50.00 |
| | (c) Dangerous Behavior Class C Violator (annual)\$ | 25.00 |
| (13) | Handling and impound fees for unwanted animals: | |
| | Single Animal (adult dog/cat)..... | \$ 40.00 |
| | Litter (under four months of age) | \$ 40.00 |
| | Disposal for unwanted animals..... | \$ 20.00 |
| | Euthanasia requests (dog or cat, | |
| | including disposal) | \$ 50.00 |
| | Feral cat euthanasia and disposal..... | \$ 20.00 |
| (14) | Adoption Fees (does not include cost of neutering animal): | |

- Dog, includes one-year license, microchip
and registration, collar and lead \$ 35.00
- Cat, includes ID tag, collar, cardboard carrier,
microchip and registration..... \$ 35.00
- (15) Late Fee for failing to renew dog license before it
becomes delinquent \$ 10.00
- (16) Review Hearing Fee \$ 50.00

(17) The Lane County Animal Regulation Authority Manager or designee shall have the authority to offer temporary license fee reductions and/or license/tag combination fee specials for the purpose of increasing licensing compliance and/or animal adoptions. *(Revised by Order No. 94-6-29-1, Effective 6.29.94; 98-4-1-11, 4.1.98)*

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
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60.825 Animal Regulation Authority Fees.

The following fees shall be charged by the Animal Regulation Authority:

(1)	Dog license/Regular	
	One Year.....	\$ 25.0035.00
	Two Years.....	\$ 45.0055.00
	Three Years.....	\$ 65.0070.00
(2)	Dog license/sterilized dog/Neutered	
	One Year.....	\$ 10.0015.00
	Two Years.....	\$ 17.0025.00
	Three Years.....	\$ 25.0035.00
(3)	(a) Dog license/Regular/senior citizen (65 or over) owner	
	One Year.....	\$ 35.00
	Two Years.....	\$ 55.00
	Three Years.....	\$ 70.00
	(b) Dog license/Neutered/senior citizen (65 or over) owner	
	One Year.....	\$ 10.00
	Two Years.....	\$ 17.00
	Three Years.....	\$ 25.00
(4)	(a) Voluntary juvenile (under 6 months of age)	
	dog/cat ID registration	\$ 5.00
	(b) Voluntary cat registration, One Year	
	Regular	\$ 8.00
	Neutered	\$ 4.00
(45)	Duplicate license	\$ 2.00
(56)	Noncommercial kennel license	\$ 25.00 dogs individually licensed
(6)	Noncommercial breeding kennel license	\$ 75.00
(7)	Commercial kennel license	\$ 100.00
(8)	Commercial breeding kennel.....	\$ 200.00
	(three-3 to 10 dogs over six months old, kept for breeding per year)	
	\$ 200.00.....	
(9)	Commercial breeding kennel.....	\$ 300.00
	(11 dogs or more dogs over six months old, kept for breeding per year)	
	\$ 300.00	
(109)	Impoundment	
	First incident	\$ 25.00
	Second incident	\$ 50.00
	Third and subsequent incidents	\$ 100.00
(110)	Daily care (per day maximum)	\$ 10.00
(111)	Watchdog permits.....	\$ 25.00
(112)	Potentially dangerous-Dangerous dog additional license and supervision fee	\$ 25.00
	(a) Dangerous Behavior Class A Violator	
	First Year	\$ 200.00
	Annual Renewal.....	\$ 100.00
	(b) Dangerous Behavior Class B Violator	
	First Year	\$ 100.00
	Annual Renewal.....	\$ 50.00

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(c) Dangerous Behavior Class C Violator (annual) \$ 25.00

- (1413) Handling and impound fees for unwanted animals:
Single Animal (adult dog/cat) \$ ~~15.00~~**40.00**
Litter (under four months of age) \$ ~~20.00~~**40.00**
Disposal for unwanted animals..... \$ ~~15.00~~**20.00**
Euthanasia requests (dog or cat,
including disposal)..... \$ **50.00**
Feral cat euthanasia and disposal \$ **20.00**
- (14) Adoption Fees (does not include cost of neutering animal):
Dog, includes one-year license, microchip
and registration, collar and lead..... \$ **35.00**
Cat, includes ID tag, collar, cardboard carrier,
microchip and registration \$ **35.00**
- (15) Late Fee for failing to renew dog license before it
becomes delinquent \$ **10.00**
- (16) Review Hearing Fee \$ **50.00**

(17) The Lane County Animal Regulation Authority Manager or designee shall have the authority to offer temporary license fee reductions and/or license/tag combination fee specials for the purpose of increasing licensing compliance and/or animal adoptions.

(Revised by Order No. 94-6-29-1, Effective 6.29.94; 98-4-1-11, 4.1.98)

SUMMARY OF KENNEL REGULATIONS IN LANE CODE CHAPTER 16

These regulations apply outside Urban Growth Boundaries

16.090 Definitions.

Kennel; Commercial. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Commercial Breeding. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

Kennel; Noncommercial. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

Zone	Commercial Kennel	Noncommercial Kennel	Notes
F1	prohibited	prohibited	2 dogs allowed w/o permit
F2	prohibited	prohibited	2 dogs allowed w/o permit
E-RCP ¹	permit required	prohibited	2 dogs allowed w/o permit. No permit required for greyhounds. ²
C-3	permit required	prohibited	2 dogs allowed w/o permit
C-R	permit required	prohibited	2 dogs allowed w/o permit
M-1	permit required	maximum of 8 dogs, no permit	
M-2	permit required	maximum of 8 dogs, no permit	
M-3	permit required	maximum of 8 dogs, no permit	
RR-RCP	permit required	maximum of 8 dogs, no permit	More than 8 dogs allowed if over 20 acres.
RR	permit required	maximum of 8 dogs, no permit	
RC	permit required	maximum of 8 dogs, no permit	

“Permit required” means a special use application is required from the Land Management Division

¹ Includes the following zones: E-25, E-30, E-40, E-60.

² The breeding, kenneling and training of greyhounds for racing. No limit on the number of greyhounds.