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AGENDA COVER MEMO

AGENDA DATE: December 9, 2009
January 6, 2010 (Second Reading/Public Hearing)

TO: Board of County Commissioners

FROM: Department of Health & Human Services

PRESENTED BY: Rob Rockstroh

AGENDA ITEM TITLE: FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ORDINANCE NO. 6-09/ IN THE MATTER OF AMENDING CHAPTER 7 OF LANE CODE TO REVISE DEFINITIONS AND ADD SECTIONS RELATING TO ANIMAL SERVICES (LC 7.005–7.100, 7.110, 7.120-7.130, 7.140, 7.151–7.170)(SECOND READING AND PUBLIC HEARING JANUARY 6, 2010) ROB ROCKSTROH, HEALTH AND HUMAN SERVICES DIRECTOR AND KAREN GAFFNEY, ASSISTANT DIRECTOR)(ESTIMATED 5 MINUTES)

I. MOTION

FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance 6-09/In the Matter of Amending Chapter 7 of Lane Code to Revise Definitions and Add Sections Relating to Animal Services (LC 7.005-7.100, 7.110, 7.120-7.130, 7.140, 7.151-7.170)(Second Reading and Public Hearing January 6, 2010)(Rob Rockstroh, Health and Human Services Director and Karen Gaffney, Assistant Director)(estimated 5 minutes)

II. AGENDA ITEM SUMMARY

Lane County Animal Regulation Authority (LCARA) has become Lane County Animal Services (LCAS). Lane Code Chapter 7 needs to be updated to reflect the name change, movement of the division to Health & Human Services and the direction of LCAS.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History:

Much work has been done by the Board regarding animal services in Lane County. BO#07-05-02-13 created Save Adoptable Animals Task Force. BO#07-05-09-05 moved Lane County Animal Regulation from Management Services to Health & Human Services. BO#07-10-03-12 directed Health & Human Services to return to the Board with an implementation plan designed to achieve the recommendations of the Save Adoptable Animals Task Force and created a Lane County Animal Review Board. BO#07-10-31-10 changed the name of Lane County Animal Regulation Authority to Lane County Animal Services, created the Lane County Animal Services Advisory Committee (LCASAC) and directed staff to bring forward modifications to Lane Manual and Lane Code. Chapters 3 and 60 of the Lane Manual were modified via BO#07-12-12-05.

B. Policy Issues:

As described above, the Board chose to make a policy shift regarding Lane County's role in animal services toward one of saving adoptable animals whenever possible.

C. Board Goals

The changes to Lane Code fall under the Board's goal of providing outstanding customer/constituent service. Board received feedback regarding redirecting the philosophy of animal services toward saving adoptable animals and has made changes based on that feedback. Recommended code changes include elements from both the 2003 and 2007 Animal Task Forces.

D. Financial and/or Resource Considerations

LCAS has already moved to a save adoptable animals philosophy. Bringing Lane Code in line with that philosophy will not require additional resources.

E. Analysis

The Board directed H&HS staff to review Lane Code in response to the move to saving adoptable animals. Revisions to the code reflect the change of philosophy as well as updates need due to the movement of the division from Management Services to H&HS and the name change from LCARA to LCAS.

Revisions were drafted by staff and reviewed by the Licensing/Codes Subcommittee and the LCASAC as a whole.

A. Alternative / Options

1. Approve the second reading and hearing.
2. Direct staff to make changes to the proposed Lane Code Chapter 7 and return for further consideration.
3. Do not make changes to Lane Code Chapter 7.

B. Recommendation

To approve #1 above.

IV. IMPLEMENTATION / TIMING

Upon approval by the Board, H&HS will work with County Administration to ensure public announcement of the second reading and to schedule the public hearing.

V. ATTACHMENTS

Board Order
Proposed Language for Lane Code Chapter 7

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 6-09

IN THE MATTER OF AMENDING CHAPTER 7 OF
LANE CODE TO REVISE DEFINITIONS AND ADD
SECTIONS RELATING TO ANIMAL SERVICES (LC
7.005-7.100, 7.110, 7.120-7.130, 7.140, 7.151-7.170)

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

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

DELETE THESE SECTION(S)

7.005 through 7.170
as located on pages 7-1 through 7-12
(a total of pages 12)

INSERT THESE SECTION(S)

7.005 through 7.170
as located on pages 7-1 through 7-12
(a total of 12 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise definitions and add Sections relating to Animal Services (LC 7.005-7.100, 7.110, 7.120-7.130, 7.140, 7.151-7.170).

ENACTED this _____ day of _____ 2009.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 12-2-09 Lane County

Mark Kibb

OFFICE OF LEGAL COUNSEL

Chapter 7

ANIMAL CONTROL

7.005 Animal Services~~Control~~– Definitions.

For the purposes of LC 7.005 through 7.170 below, the following words and phrases mean:

Animal. Any dog, cat, exotic, ~~wild~~ or dangerous animal, or livestock.

Animal Owner.

(a) Any person who is the licensed owner of an animal, or who has the right of property in an animal, or who, without regard to any ownership interest, keeps an animal, harbors an animal, or who has an animal in said person's care, possession, custody or control for six weeks or more, or who knowingly permits an animal to remain on any premises occupied by said owner. Except for purposes of LC 7.105, 7.110 and 7.115 below, animal owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not less than 30 days animals owned by other persons.

(b) Any person except a veterinarian or commercial kennel operator, 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.

Animal Welfare~~Control~~ Officer. The person employed by the Animal Services Regulation Authority and empowered to enforce provisions of this chapter.

Animal Services ~~Control~~ Code. LC 7.005 through 7.170.

Continuous Annoyance. ~~Fail to control Permit~~ any animal such that it ~~to~~ causes annoyance, alarm or disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

Commercial Breeding Establishment ~~Kennel~~. A place of business for the commercial breeding and/or selling of animals, ~~excluding livestock~~ ~~dogs~~. The term is not intended to include an animal hospital or noncommercial kennel.

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

~~Delinquent~~. A dog license will become delinquent, ~~30 days after the expiration date of said license.~~

Director. The administrative head of the Department of Health and Human Management Services, or his or her designee.

Dog-at-Large. A dog off the premises of the owner and not under the owner's immediate control. Excepted from this definition are exhibition in dog shows, obedience training or trial, or use of the dog under the supervision of a person to hunt, chase or tree predatory animals, or game birds, or protect livestock, or in other related agricultural activities. A dog is not off the premises of its owner if the property of the owner is separated by a road or roads and the dog is on the road which separates said property. Excepted from this definition is a dog that is on private property, which is not the property of the dog owner, with the knowledge and permission of the owner of the property.

Dog License. A license for any dog owned that is over six months of age or has permanent canine teeth, whichever occurs first. The dog must have been vaccinated against rabies by a licensed veterinarian.

Domestic Animal. An animal typically kept as a pet.

Dog Owner.

~~(a) Any person who is the licensed owner of a dog, or who has the right of property in a dog, or who, without regard to any ownership interest, keeps a dog, harbors a dog, or who has a dog in said person's care, possession, custody or control, or who knowingly permits a dog to remain on any premises occupied by said owner. Except for purposes of LC 7.105, 7.110 and 7.115 below, dog owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not less than 30 days dogs owned by other persons.~~

~~(b) 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 is not harboring the dog, that the dog is not in that person's care, possession, custody, or control, or that the person does not knowingly permit the dog to remain on any premises occupied by the person.~~

Euthanasia. Putting an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.

Lane County Health Administrator. The Director of the Department of Health and Human Services.

Livestock. Includes but is not limited to cattle, sheep, horses, goats, swine, fowl, poultry or any furbearing animal bred and maintained commercially or otherwise within pens, cages and hutches, or domesticated wild animals.

Muzzle. A device constructed of strong, soft material or metal that complies with specifications to be adopted by the Director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Neutered/Spayed. The removal of the ovaries and uterus, ovarian hysterectomy, in female dogs or cats. The removal of the male gonads in male dogs or cats. Any other method of neutering a dog or cat which is certified and performed by a licensed veterinarian.

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

Person. Any natural person, association, partnership, firm or corporation.

Pet Dealer. A person that engages in the occupation of selling live animals other than livestock. This does not include persons who rear animals on their own premises and that have sold, transferred or given away fewer than 20 animals in the previous calendar year. Animal pounds, shelters and humane societies are not considered pet dealers.

Physical Injury. Impairment of physical condition or substantial pain.

Purchaser. A person who purchases an animal from a pet dealer without the intent to resell the animal.

~~Police Service Dog. A dog used in police work by a law enforcement agency as defined in ORS 181.010(5) [1999 Ed.], whether or not the dog is being so used at the time in question. Unless specifically referred to therein, neither a police service dog or its handler are subject to any of the restrictions or regulations contained in LC 7.005 through 7.170.~~

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7.0107-080 Lane Code

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FOR

7.025-7.085

Secure Enclosure. An enclosure, not including the residence, in which an animal is confined such that the animal does not have access to humans or other animals. The enclosure will not be less than eight feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the animal. The top of the enclosure must be covered. A **secure enclosure must include a dog house and access to potable water.**

Serious Physical Injury. Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Service Animal. Any guide dog, signal dog or any other animal individually trained to provide assistance to an individual with a disability. This does not include companion or therapy animals.

Watchdog. A dog confined at a business or residence for the exclusive use of protecting people or property of said business or residence.

Watchdog License. License issued by Lane County allowing a business or person to use a watchdog for protection of persons or property.
(Revised by Ordinance No. 19-72, Effective 10.13.72; 16-75, 12.26.75; 2-82, 4.9.82; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-93, 4.16.93; 1-00, 4.12.00)

7.010 Animal Services Control Code Supersedes State Law.

LC 7.005 through 7.170 shall be known as the "Animal Services Control Code." The purpose of the Animal Services Control Code is to supersede to the greatest extent allowed by law the provisions of ORS Chapter 609 by providing Rules and Regulations governing the keeping, licensing, and control of animals. These Code provisions do not supersede ORS 609.095 through 609.097 or 609.140. *(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)*

7.015 Animal Services Regulation Authority Powers and Duties.

The powers and duties of Lane County the Animal Services Regulation Authority shall be as follows:

(1) To enforce those provisions of the Animal Services Control Code, and those provisions of ORS Chapter 609 applicable to Lane County pursuant to LC 7.010 and to discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place for all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food and water.

(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. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.020 Receipts.

All receipts for fees collected in connection with the Animal Services Control Code shall be deposited in the Animal Services Fund. However, private vendors under contract with the Animal Services Regulation Authority to dispense licenses may retain a handling fee of not less than \$1 per license issued. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.025 Violation, Nuisance.

In the event that any peace officer or animal welfare control officer has reasonable grounds to believe that a violation of ORS 609.095 or of this Animal Services Control

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Secure Enclosure. An enclosure, not including the residence, in which an animal is confined such that the animal does not have access to humans or other animals. The enclosure will not be less than eight feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the animal. The top of the enclosure must be covered. **A secure enclosure must include a dog house and access to potable water.**

Serious Physical Injury. Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Service Animal. **Any guide dog, signal dog or any other animal individually trained to provide assistance to an individual with a disability. This does not include companion or therapy animals.**

Watchdog. A dog confined at a business or residence for the exclusive use of protecting people or property of said business or residence.

Watchdog License. **License issued by Lane County allowing a business or person to use a watchdog for protection of persons or property.**
(Revised by Ordinance No. 19-72, Effective 10.13.72; 16-75, 12.26.75; 2-82, 4.9.82; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-93, 4.16.93; 1-00, 4.12.00)

7.010 Animal Services ~~Control-Code Supersedes Supereedes-State Law.~~

LC 7.005 through 7.170 shall be known as the "Animal Services ~~Control-Code.~~" The purpose of the Animal Services ~~Control-Code~~ is to supersede to the greatest extent allowed by law the provisions of ORS Chapter 609 by providing Rules and Regulations governing the keeping, licensing, and control of ~~animals~~~~dogs~~. These Code provisions do not ~~supersede~~ ~~supereede~~ ORS 609.095 through 609.097 or 609.140. *(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)*

7.015 Animal Services ~~Regulation-Authority Powers and Duties.~~

The powers and duties of Lane County ~~the Animal Services Regulation-Authority~~ shall be as follows:

(1) To enforce those provisions of the Animal Services ~~Control-Code~~, and those provisions of ORS Chapter 609 applicable to Lane County pursuant to LC 7.010 and to discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place for all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food and water.

(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. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.020 Receipts.

All receipts for fees collected in connection with the Animal Services ~~Control-Code~~ shall be deposited in the Animal Services Fund. However, private vendors under contract with ~~the Animal Services Regulation-Authority~~ to dispense licenses may retain a handling fee of **not less than \$1** per license issued. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.025 Violation, Nuisance.

In the event that any peace officer or animal ~~welfare~~ ~~control~~-officer has reasonable grounds to believe that a violation of ORS 609.095 or of this Animal Services ~~Control~~

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Code has been committed, such officer may sign, issue, and serve upon an animal owner an Oregon Uniform Citation and Complaint. The Complaint shall be filed within six months of the date of the alleged violation. Any such violation found is hereby declared to be a public nuisance and may be subject to reasonable restrictions, or the ~~ethanization destruction~~ of the animal dog in cases of Class A violation behavior pursuant to LC 7.130. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.035 Entry Onto Private Land.

Any animal ~~welfare control~~ officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of the Animal Services ~~Control~~ Code, but such officer shall not enter into any building or dwelling without legal authorization or the permission of the owner or occupant of the premises. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.040 Care of Stray Dogs ~~Animals~~.

(1) All persons must ~~provide notification of or turn over to the~~ Animal Services ~~Regulation Authority~~ stray dogs ~~animals~~ within 24 hours after the person exercises control over the ~~dog, animal~~. The notification must include ~~or must notify the Animal Regulation Authority of the~~ description of the ~~dog animal~~ and the address where the ~~dog animal~~ is being kept. All persons holding stray dogs must allow Animal Services access to the dog while it is being held and retain possession of the ~~dog animal~~ for three days after the Animal Services ~~Regulation Authority~~ is so notified.

(2) A violation of LC 7.040 constitutes a Class B violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 1-00, 4.12.00)*

7.045 Impoundment of Animals ~~Dogs~~.

(1) Any peace officer or animal ~~welfare control~~ officer may impound an animal ~~a dog~~ if reasonable grounds exist to believe a violation, pursuant to LC 7.025, LC 7.120, 7.121, 7.125 or 7.129, has occurred, and Animal Services ~~the officer~~ may hold said animal ~~dog~~ until the violation hearing is over, any fine is paid, and any reasonable restrictions are either in place or agreed to. Violation of a restriction agreement shall be a Class A violation.

(2) If the fine assessed is not paid or other payment arrangements approved by the Director or his/her designee are not made within five calendar days after the order, the animal ~~dog~~ may be disposed of as provided for in LC 7.060 below.

(3) Any person whose property has been trespassed upon by any dog in violation of this chapter or who observes a dog trespassing upon the property of another, or who observes a dog killing, chasing or injuring livestock, may immediately apprehend that dog and hold the dog until the dog has been turned over ~~delivery to~~ Animal Services ~~an animal control officer~~, or any peace officer. Any person who so impounds a dog must immediately notify the Animal Services ~~Regulation Authority~~ of such impoundment and must turn the dog over to a police officer or to the Animal Services ~~Regulation Authority~~. Failure to notify the Animal Services ~~Regulation Authority~~ within 24 hours of having impounded a dog is a Class C violation.

(4) If an animal ~~welfare control~~ officer or a peace officer has probable cause to believe that a dog has behaved in violation of either ORS 609.095 or the Animal Services ~~Control~~ Code, then the officer may impound the dog. If the officer has probable cause to believe that the dog has committed behavior that violates LC 7.130(3)(c) through (e), then the officer shall impound the dog. Animal Services ~~The officer~~ shall hold the

dog until a hearing is held, or until the dog is to be disposed of pursuant to LC 7.060 below.

(5) If an animal ~~welfare control~~-officer or a peace officer has probable cause to believe that any animal which is in an unoccupied motor vehicle may be in danger of dying, then they may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed. **Any person who leaves an animal, in danger of dying, in an unoccupied motor vehicle commits a Class A violation.** *(Revised by Ordinance No. 3-72, Effective 2-9-72; 12-72, 6.7.72; 19-72, 10.13.72; 23-72, 11.3.72; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.050 Failure to Surrender AnimalDog.

Any person who fails to surrender an ~~animal-a~~dog to a person identifiable as an animal ~~welfare control~~-officer or a peace officer upon their demand, so that the ~~animal-dog~~ can be impounded as provided for by this Animal Services~~Control~~-Code, commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00)*

7.051 Initialing a False Report to an Animal Services Employee.

(1) **A person commits the offense of initiating a false report to an Animal Services employee if a person contacts Animal Services Agency in person, by telephone, in writing, by facsimile or other means and reports a violation of this animal services code that the reporting person knows is false.**

(2) **Initiating a false report to an Animal Services employee is a Class A violation.**

7.055 Resisting or Eluding an Animal Welfare Control-Officer or Peace Officer.

(1) If a person intentionally resists or eludes someone known by him or her to be a peace officer, or an animal ~~welfare control~~-officer, who is impounding an ~~a-animal dog~~ as provided for by this chapter, that person commits a Class A violation.

(2) "Resists" as used in this section means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00)*

7.060 Impounding Regulations and Disposition of Impounded AnimalsDogs.

(1) ~~The Animal Services Regulation Authority~~ shall keep any animal dog impounded for a period of time hereinafter specified. A daily record of such animals dogs shall be kept at the place of impoundment and shall be made available to the public. ~~The Animal Services Regulation Authority~~ shall dispose of such animals dogs in accordance with the following provisions:

(a) An unlicensed animaldog, or an animala-dog, the owner of which is unknown, which has not been redeemed within 72 hours after impoundment, may be adopted or euthanized~~destroyed~~.

(b) A licensed animaldog, or an animala-dog, the owner of which is known, which has not been redeemed within 120 hours of notification of the owner by telephone contact, or by mailing or by posting at the owner's dwelling the impoundment notice, may be ~~destroyed or~~adopted or euthanized.

(2) Except as provided in LC 7.060(1) above, ~~the Animal Services Regulation Authority~~ shall notify the owner by telephone or by the mailing of an impoundment notice within 24 hours after the impoundment that the animaldog ~~may~~will be euthanized ~~destroyed~~ within 120 hours after such notification. The impoundment notice shall advise the owner of the place where the animaldog is kept, the procedures required for

redemption of the ~~animal~~~~dog~~, the fees for the impoundment, daily care and redemption and the consequences of failure to redeem the ~~animal~~~~dog~~.

(3) Dogs impounded pending a hearing on whether their acts amounted to a violation of LC 7.130, ~~may shall~~ be **ethanized**~~destroyed~~ if any of the following occurs:

(a) If the owner of the dog is unknown after 72 hours from the time of impoundment, or

(b) If there has been a hearing in which the court so determines.

(4) If an order is entered by the court for an ~~animal~~~~dog~~ to be **ethanized**~~destroyed~~, the Director may request that the execution of the order be stayed, providing that the ~~animal~~~~dog~~ owner and the attorney representing the County present an agreement for approval, signed by both parties and providing for:

(a) Restitution to be paid to the person injured, if applicable, including damages resulting from the injury to or destruction of livestock; and

(b) Reasonable restrictions that will help to ensure the chance that the ~~animal~~~~dog~~ does not engage in such conduct again, which may include but are not limited to; requirements that the owner build a run for the ~~animal~~~~dog~~ before it is released, fence his or her yard or have the ~~animal~~~~dog~~ live elsewhere in a secure setting, and agree not to own any other ~~animal~~~~dog~~ on the property where the owner resides.; ~~and~~

~~(c) That if the dog is found in violation of the reasonable restrictions that have been imposed, that it may be immediately impounded by an animal control officer, a peace officer or any other person and destroyed by the Animal Regulation Authority without a further hearing, unless the dog owner requests a hearing in writing to the Animal Regulation Authority within 24 hours after the dog owner is notified that the dog is impounded. If the owner cannot be personally notified that the dog has been impounded, the dog may be destroyed four days after a notice of impound is mailed to the owner's last known address, unless the owner requests a hearing before then. The hearing will be limited to a determination as to whether the agreement has been violated.~~

(5) Notwithstanding the previous subsections, any animal given to ~~the Animal Services Regulation Authority~~ by the owner for disposition may be **ethanized**~~destroyed~~ immediately or, in the alternative, adopted by any person. The owner shall pay required fees for **ethanizing**~~destroying~~ and/or handling the animal(s). For purposes of this section, an owner is a person who has had the animal in his or her care, possession, custody or control for six weeks or more.

(6) Notwithstanding the previous subsections, abandoned or unwanted litters of animals aged two months or less may be **ethanized**~~destroyed~~ immediately or, in the alternative, adopted by any person. This subsection does not apply to litters impounded following a search of premises.

(7) Notwithstanding the previous subsections, certain sick or injured animals may be **ethanized**~~destroyed~~ immediately pursuant to the provisions of LC 7.100 below. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 18-79, 1.9.80; 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)*

7.065 Redemption and Adoption.

(1) Redemption of an impounded ~~animal~~~~dog~~ shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges:

(a) Impoundment fee;

(b) Daily care fee;

(c) License and rabies vaccination fees, if required; and

(d) Medical care fees, if required.

(2) Impounded ~~animals dogs~~ may be adopted or ~~euthanized~~~~destroyed~~ after the applicable holding time.

(3) When an ~~animal dog~~ is adopted out by ~~the Animal Services Regulation Authority~~, the purchaser shall pay any required license and rabies vaccination fees.

(4) No impoundment charge shall be made for an ~~animal dog~~ released after determination by the court that no violation has occurred.

(5) No live ~~animal dog~~ shall be provided by ~~the Animal Services Regulation Authority~~ for surgical or medical demonstration or research.

(6) Except as otherwise provided, if after 72 hours an impounded ~~animal dog~~ is not redeemed or adopted, ~~the Animal Services Regulation Authority~~ is authorized and empowered to ~~euthanize~~ ~~destroy~~ ~~the animal dog~~ ~~by any humane method permitted under state law~~.

(7) If a dog or cat is adopted from ~~the Animal Services Regulation Authority~~ or from any other agency which accepts unwanted or abandoned animals, the owner must have the dog or cat spayed or neutered within ~~four six~~ months from the date of adoption if the dog or cat is too young to be spayed or neutered immediately. If a dog or cat over six months old is adopted by an agency which accepts unwanted or abandoned animals, the dog or cat must be spayed or neutered within one month after it is turned over to its new owner. A violation of LC 7.065(7) is a Class A violation.

(8) If a person who is the owner of an animal fails to reclaim it from ~~the Animal Services Regulation Authority~~ within five days after notification that the animal is ready to be released, then that person commits a Class A violation. *(Revised by Ordinance No. 12-72, 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 or ~~death~~ 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 Services Regulation Authority~~ or duly authorized issuer.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee ~~may of \$10 will~~ be charged if the license is renewed after it has become **more than 30 days** delinquent.

(5) A license tag issued to the dog shall be ~~attached~~ **securely attached and visible 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) **Animal Dog license and identification** 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 **or identification tag**. 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.

(2) No license fee shall be required for any dog owner who needs and uses the dog as a ~~service 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 Services Regulation Authority~~.

(3) After application upon a form to be provided by ~~the Animal Services 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 Services 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 ~~ethanized destroyed~~, upon a finding by the court that the restrictions or ~~ethanization 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 or residence using a watchdog must conspicuously post the premises to warn the public of the watchdog. **In the case of a business,** ~~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 A ~~G~~ 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 or commercial breeding establishment,** ~~whether commercial or noncommercial,~~ without the appropriate kennel license. Kennel licenses shall be valid for ~~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)*

7.088 Filing of Rabies Vaccination Certificate, Issuance of Tag.

(1) Upon the rabies vaccination of any dog, the veterinarian performing the vaccination shall transmit a copy of the vaccination certificate to the Lane County Health Administrator.

(2) The Health Administrator, or the Administrator's designee, shall be responsible for the administration of this section.

(3) A rabies tag fee, and a tag replacement fee, shall be established for those dogs required to be licensed pursuant to LC 7.070 and 7.075, and the fees shall be set forth in Lane Manual. Upon receipt of the fee, a serial-numbered rabies tag, identifying its expiration date, will be issued to the owner of the dog.

(4) Information received from a veterinarian identifying any owner, address or phone number, or rabies tag serial number, shall be considered a part of the veterinarian's customer list, and will not be disclosed except to the following, who shall keep it confidential as permitted by law:

(a) Oregon Department of Human Services;

(b) Lane County Animal ~~Services Regulation Authority~~;

(c) A physician, or any emergency medical personnel, treating a patient who has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;

(d) A veterinarian treating an animal that has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;

(e) Federal, state, and local law enforcement and prosecutorial agencies investigating potential rabies transmission.

(5) Violation of this provision by a veterinarian shall result in a Class C violation for the first offense; and a Class B violation for additional violations of this provision. *(Revised by Ordinance No. 19-04, Effective 1.15.05)*

7.090 Reporting of Biting Animals ~~Dogs~~.

(1) The owner of a **domesticated animal** ~~dog~~ which bites a human shall immediately notify ~~the Animal Services 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 **domesticated animal** ~~dog~~ shall forthwith notify ~~the Animal Services Regulation Authority~~ of such bite giving a description of the **animal** ~~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 **domesticated animal** ~~dog~~, such person shall notify forthwith ~~the Animal Services 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 Animals ~~Dogs~~ - Quarantine.

(1) When either ~~the Animal Services Regulation Authority~~, the Department of Health and Human Services or the Department of Public Safety of Lane County has grounds to suspect that an **animal** ~~dog~~ is infected with the disease of rabies, there shall be delivered to the owner of the **animal** ~~dog~~ a written notice thereof. The owner shall thereupon be required to quarantine his or her **animal** ~~dog~~ for 10 days. The biting of any person by the **animal** ~~dog~~ shall constitute grounds for suspecting their **animal** ~~dog~~ to be so infected. The delivery of the notice to a member of the owner's family ~~1815~~ years or

older at the premises where the ~~animal~~**dog** is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

(2) Any ~~animal~~**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 **as indicated in the Notice of Quarantine requirements**; or

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

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

(4) If an ~~animal 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 ~~euthanized 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)*

7.100 Sick or Injured Animals.

(1) Any sick or injured animal found by a peace officer or animal ~~welfare~~**control** officer off the premises of its owner shall be delivered to its owner if it is feasible to do so. Any such animal for which the owner is either unknown or cannot be reached after reasonable attempts to do so may be impounded. The Director or his ~~designee~~ shall determine whether the animal is so severely injured or incurably crippled that the humane thing to do would be to ~~euthanize destroy~~ the animal. If the Director or his ~~designee~~ reasonably believes the animal should be ~~euthanized destroyed~~, the animal may be ~~euthanized destroyed~~ immediately. If the Director or his ~~designee~~ reasonably believes that the animal should not be ~~euthanized destroyed~~ and that treatment is necessary, the animal may be delivered by ~~the Animal Services Regulation Authority~~ to a veterinarian for medical treatment. If the veterinarian determines that treatment should be given, such treatment may be given, provided, however, the animal may be ~~euthanized destroyed~~ if not claimed by its owner within 72 hours after being delivered to the veterinarian.

(2) Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be determined by separate contracts between Lane County ~~the Animal Regulation Authority~~ and individual veterinarians.

(3) The owner of the animal shall be liable to the veterinarian and to the ~~Animal Services Regulation Authority~~ for all expenses which are incurred for the care of said animal. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82; 3-89, 5.12.89; 1-00, 4.12.00)*

7.105 Animal Abandonment.

(1) A person commits the offense of animal abandonment if the person leaves a domesticated animal at a location without providing for the animal's continued care. It is no defense to the offense in LC 7.105(1) that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(2) A person who commits the offense of animal abandonment commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.110 Dogs at Large Prohibited.

- (1) No dog owner shall permit a dog to be at large.
- (2) A dog owner, whose dog runs at large, commits a Class ~~C~~ violation if the dog has been spayed/neutered or a Class B violation if the dog is fertile.
- (3) A dog owner is deemed to be negligent per se for the actions of a dog at large when the dog causes injury to a person or property. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.115 Continuous Annoyance.

An animal owner who ~~fails to control~~ permits any animal that ~~to~~ causes annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property commits a Class C violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.120 Animal Abuse.

~~(1) Class B Violation. A person who, except as otherwise authorized by law, causes physical injury to an animal commits a Class B violation.~~

- (12) Class A Violation. A person who, except as otherwise authorized by law,
 - (a) Causes serious physical injury to an animal; or
 - (b) Cruelly causes the death of an animal, commits a Class A violation.

(2) Class B Violation. A person who, except as otherwise authorized by law, causes physical injury to an animal commits a Class B violation.

~~(3) Any practice of good animal husbandry is not a violation of LC 7.120.~~ *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00)*

7.121 Possession of Fighting Animals.

(1) A person commits the offense of possession of fighting animal(s) if the person has in his/her possession, care, custody or control an animal which is trained to fight another animal, is being trained to fight another animal, has fought another animal in an arranged fight or is intended to fight another animal.

(2) Animal pounds, shelters, and humane societies are exempt from the provisions of this section.

(3) Animal Services shall immediately seize any animal reasonably believed to be an animal either used or intended or reasonable believed to be intended for use in animal fighting. Said animal shall be detained pending adjudication of the violation.

(4) Procuring animals for fight training purposes, including smaller "bait animals" such as cats, rabbits or small dogs is prohibited.

(5) Possession of a fighting or bait animal is a Class A violation.

7.122 Capturing and Killing of Dog or Cat.

A person who, except as otherwise permitted by law, obtains, captures, or otherwise acquires a dog or a cat intending to kill it, and who subsequently does so, commits a Class A violation. *(Revised by Ordinance No. 8-06, Effective 10.27.06)*

7.125 Animal Neglect.

(1) As used in this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances

beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(c) In case of pets or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) Pets or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

(2) Animal Neglect (Class B violation). A person who fails to provide minimum care for an animal in such person's custody or control commits a Class B violation.

(3) Animal Neglect (Class A violation). A person who fails to provide minimum care for an animal in such person's custody or control and such failure results in serious physical injury or death to the animal, commits a Class A violation. *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00)*

7.129 Possession of a Stolen Animal.

(1) A person commits the offense of possession of a stolen animal if a person has in his/her care, custody, possession or control an animal not owned by that person and not placed by the owner/caretaker of that animal, in the persons care, custody or control.

(2) Exempt from this section are animal welfare organizations, persons in the act of taking a stray animal to a welfare organization, taking an animal for emergency veterinary treatment or alteration, caring for a stray animal or returning or attempting to return a lost animal to the rightful owner. It is not required under this section that the animal be reported as stolen to a police agency.

(3) Possession of a stolen animal is a Class A violation.

7.130 Dangerous Behavior.

The purpose of this section is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, domestic animals or property are identified and subjected to reasonable restrictions.

(1) Class C violation dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock.

(2) Class B violation dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

(3) Class A violation dangerous behavior is established if:

(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 **or causes the death of** 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 ~~Services 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

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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; 14-04, 7.15.04)*

7.140 Dog Waste Matter.

(1) It shall be unlawful for a dog owner to allow the dog, except for **service seeing-eye dogs**, to deposit solid waste matter on any property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

(2) A violation of LC 7.140 is a Class C violation. *(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)*

7.150 Right to Kill a Dog Chasing, Killing or Injuring Livestock.

Any dog which chases, kills or injures livestock stock not belonging to its owner, while off the premises owned or under the control of its owner, may be killed immediately by any person. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 1-00, 4.12.00)*

7.151 Right to Kill a Dog Killing or Injury Humans or Domestic Animals.

Any dog which, while off its owner's premises, kills, wounds, or injures a human or domestic animal may be killed immediately by any person.

7.155 Reporting of Gun Shot Wound.

(1) The owner of **an animal a dog** that has received a gun shot wound shall immediately notify ~~the Animal Services Regulation Authority~~ of such gun shot wound, and if known, the time and circumstances of the shooting and the name and address of the person who shot ~~an animal the dog~~.

(2) Any person who shoots **an animal dog** shall immediately notify ~~the Animal Services Regulation Authority~~ of the shooting, giving a description of the ~~animal dog~~, the time and circumstances of the shooting and the name and address of the ~~animal dog's~~ owner, if known.

(3) **7.155(1) and (2) do not apply in the case of an animal being shot by the animal's owner.**

(43) When a veterinarian or other person has information that **an animal a dog** has been shot, such person shall immediately notify ~~the Animal Services Regulation Authority~~.

(54) A violation of LC 7.155 is a Class ~~A~~ violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.160 Selling, Trading, Bartering or Giving Away Animals in Certain Locations Prohibited.

(1) No person shall sell, trade, barter or give or offer to give away any animal to another person in a County park, or property owned by Lane County except for the Lane County Fairgrounds.

(2) A violation of LC 7.160 is a Class B violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

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7.161 Illegal Sale or Gifting of Unhealthy Animals.

No person shall knowingly sell, trade, barter or give away any animal to another person if said animal has any serious communicable disease, without fully disclosing such disease. A violation of LC 7.161 is a Class B violation.

7.164 Pet Dealer Requirement.

(1) Every pet dealer shall maintain for a period of one year and present to Animal Services upon request:

(a) The breeder's and broker's name, address, or if not known, the source of the animal. If the dealer is licensed by the Department of Agriculture, the person's name, address and federal dealer number.

(b) The seller's name, address and other identifying information.

(c) The date of birth of the animal, unless unknown.

(d) Medical records of the animal including a record of immunizations and worming treatments administered, if any, as of the time of sale and the date the dealer received the animal.

(e) Price paid for the animal.

(2) A violation of LC 7.164 is a Class C violation.

7.170 Dogs in Season (Estrus).

(1) No person shall permit a dog in heat (estrus) to be accessible to male dogs not in the person's ownership, except for intentional breeding purposes.

(2) Violation of LC 7.170 is a Class ~~B~~ violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

Chapter 7**ANIMAL CONTROL****7.005 Animal Services- Definitions.**

For the purposes of LC 7.005 through 7.170 below, the following words and phrases mean:

Animal. Any dog, cat, exotic or dangerous animal, or livestock.

Animal Owner.

(a) Any person who is the licensed owner of an animal, or who has the right of property in an animal, or who, without regard to any ownership interest, keeps an animal, harbors an animal, or who has an animal in said person's care, possession, custody or control for six weeks or more, or who knowingly permits an animal to remain on any premises occupied by said owner. Except for purposes of LC 7.105, 7.110 and 7.115 below, animal owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not less than 30 days animals owned by other persons.

(b) Any person except a veterinarian or commercial kennel operator, 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.

Animal Welfare Officer. The person employed by the Animal Services and empowered to enforce provisions of this chapter.

Animal Services Code. LC 7.005 through 7.170.

Continuous Annoyance. Fail to control any animal such that it causes annoyance, alarm or disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

Commercial Breeding Establishment. A place of business for the commercial breeding and/or selling of animals, excluding livestock. The term is not intended to include an animal hospital or noncommercial kennel.

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

Director. The administrative head of the Department of Health and Human Services, or his or her designee.

Dog-at-Large. A dog off the premises of the owner and not under the owner's immediate control. Excepted from this definition are exhibition in dog shows, obedience training or trial, or use of the dog under the supervision of a person to hunt, chase or tree predatory animals, or game birds, or protect livestock, or in other related agricultural activities. A dog is not off the premises of its owner if the property of the owner is separated by a road or roads and the dog is on the road which separates said property. Excepted from this definition is a dog that is on private property, which is not the property of the dog owner, with the knowledge and permission of the owner of the property.

Dog License. A license for any dog owned that is over six months of age or has permanent canine teeth, whichever occurs first. The dog must have been vaccinated against rabies by a licensed veterinarian.

Domestic Animal. An animal typically kept as a pet.

Euthanasia. Putting an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.

Lane County Health Administrator. The Director of the Department of Health and Human Services.

Livestock. Includes but is not limited to cattle, sheep, horses, goats, swine, fowl, poultry or any furbearing animal bred and maintained commercially or otherwise within pens, cages and hutches, or domesticated wild animals.

Muzzle. A device constructed of strong, soft material or metal that complies with specifications to be adopted by the Director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Neutered/Spayed. The removal of the ovaries and uterus, ovarian hysterectomy, in female dogs or cats. The removal of the male gonads in male dogs or cats. Any other method of neutering a dog or cat which is certified and performed by a licensed veterinarian.

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

Person. Any natural person, association, partnership, firm or corporation.

Pet Dealer. A person that engages in the occupation of selling live animals other than livestock. This does not include persons who rear animals on their own premises and that have sold, transferred or given away fewer than 20 animals in the previous calendar year. Animal pounds, shelters and humane societies are not considered pet dealers.

Physical Injury. Impairment of physical condition or substantial pain.

Purchaser. A person who purchases an animal from a pet dealer without the intent to resell the animal.

Secure Enclosure. An enclosure, not including the residence, in which an animal is confined such that the animal does not have access to humans or other animals. The enclosure will not be less than eight feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the animal. The top of the enclosure must be covered. A secure enclosure must include a dog house and access to potable water.

Serious Physical Injury. Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

Service Animal. Any guide dog, signal dog or any other animal individually trained to provide assistance to an individual with a disability. This does not include companion or therapy animals.

Watchdog. A dog confined at a business or residence for the exclusive use of protecting people or property of said business or residence.

Watchdog License. License issued by Lane County allowing a business or person to use a watchdog for protection of persons or property. *(Revised by Ordinance No. 19-72, Effective 10.13.72; 16-75, 12.26.75; 2-82, 4.9.82; 12-83, 6.17.83; 13-86, 11.7.86; 3-89, 5.12.89; 8-91, 6.26.91; 1-93, 4.16.93; 1-00, 4.12.00)*

7.010 Animal Services Code Supersedes State Law.

LC 7.005 through 7.170 shall be known as the "Animal Services Code." The purpose of the Animal Services Code is to supersede to the greatest extent allowed by law the provisions of ORS Chapter 609 by providing Rules and Regulations governing the keeping, licensing, and control of animals. These Code provisions do not supersede ORS 609.095 or 609.140. *(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)*

7.015 Animal Services Authority Powers and Duties.

The powers and duties of Lane County Animal Services shall be as follows:

(1) To enforce those provisions of the Animal Services Code, and those provisions of ORS Chapter 609 applicable to Lane County pursuant to LC 7.010 and to discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place for all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food and water.

(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. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.020 Receipts.

All receipts for fees collected in connection with the Animal Services Code shall be deposited in the Animal Services Fund. However, private vendors under contract with Animal Services to dispense licenses may retain a handling fee of not less than \$1 per license issued. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 5-86, 6.6.86; 13-86, 11.7.86; 1-00, 4.12.00)*

7.025 Violation, Nuisance.

In the event that any peace officer or animal welfare officer has reasonable grounds to believe that a violation of ORS 609.095 or of this Animal Services Code has been committed, such officer may sign, issue, and serve upon an animal owner an Oregon Uniform Citation and Complaint. The Complaint shall be filed within six months of the date of the alleged violation. Any such violation found is hereby declared to be a public nuisance and may be subject to reasonable restrictions, or the euthanization of the animal in cases of Class A violation behavior pursuant to LC 7.130. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.035 Entry Onto Private Land.

Any animal welfare officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of the Animal Services Code, but such officer shall not enter into any building or dwelling without legal authorization or the permission of the owner or occupant of the premises. *(Revised by Ordinance No. 16-75, Effective 12.26.75; 2-82, 4.9.82; 1-00, 4.12.00)*

7.040 Care of Stray Dogs.

(1) All persons must provide notification of or turn over to Animal Services stray dogs within 24 hours after the person exercises control over the dog. The notification must include the description of the dog and the address where the dog is being kept. All persons holding stray dogs must allow Animal Services access to the dog while it is being held and retain possession of the dog for three days after Animal Services is so notified.

(2) A violation of LC 7.040 constitutes a Class B violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 1-00, 4.12.00)*

7.045 Impoundment of Animals.

(1) Any peace officer or animal welfare officer may impound an animal if reasonable grounds exist to believe a violation, pursuant to LC 7.025, LC 7.120, 7.121, 7.125 or 7.129, has occurred, and Animal Services may hold said animal until the violation hearing is over, any fine is paid, and any reasonable restrictions are either in place or agreed to. Violation of a restriction agreement shall be a Class A violation.

(2) If the fine assessed is not paid or other payment arrangements approved by the Director or his/her designee are not made within five calendar days after the order, the animal may be disposed of as provided for in LC 7.060 below.

(3) Any person whose property has been trespassed upon by any dog in violation of this chapter or who observes a dog trespassing upon the property of another, or who observes a dog killing, chasing or injuring livestock, may immediately apprehend that dog and hold the dog until the dog has been turned over to Animal Services or any peace officer. Any person who so impounds a dog must immediately notify Animal Services of such impoundment and must turn the dog over to a police officer or to Animal Services. Failure to notify Animal Services within 24 hours of having impounded a dog is a Class C violation.

(4) If an animal welfare officer or a peace officer has probable cause to believe that a dog has behaved in violation of either ORS 609.095 or the Animal Services Code, then the officer may impound the dog. If the officer has probable cause to believe that the dog has committed behavior that violates LC 7.130(3)(c) through (e), then the officer shall impound the dog. Animal Services shall hold the dog until a hearing is held, or until the dog is to be disposed of pursuant to LC 7.060 below.

(5) If an animal welfare officer or a peace officer has probable cause to believe that any animal which is in an unoccupied motor vehicle may be in danger of dying, then they may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed. Any person who leaves an animal, in danger of dying, in an unoccupied motor vehicle commits a Class A violation. *(Revised by Ordinance No. 3-72, Effective 2-9-72; 12-72, 6.7.72; 19-72, 10.13.72; 23-72, 11.3.72; 16-75, 12.26.75; 2-82, 4.9.82; 21-83, 11.29.83; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.050 Failure to Surrender Animal.

Any person who fails to surrender an animal to a person identifiable as an animal welfare officer or a peace officer upon their demand, so that the animal can be impounded as provided for by this Animal Services Code, commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00)*

7.051 Initialing a False Report to an Animal Services Employee.

(1) A person commits the offense of initiating a false report to an Animal Services employee if a person contacts Animal Services Agency in person, by telephone, in writing, by facsimile or other means and reports a violation of this animal services code that the reporting person knows is false.

(2) Initiating a false report to an Animal Services employee is a Class A violation.

7.055 Resisting or Eluding an Animal Welfare Officer or Peace Officer.

(1) If a person intentionally resists or eludes someone known by him or her to be a peace officer, or an animal welfare officer, who is impounding an animal as provided for by this chapter, that person commits a Class A violation.

(2) "Resists" as used in this section means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 1-00, 4.12.00)*

7.060 Impounding Regulations and Disposition of Impounded Animals.

(1) Animal Services shall keep any animal impounded for a period of time hereinafter specified. A daily record of such animals shall be kept at the place of impoundment and shall be made available to the public. Animal Services shall dispose of such animals in accordance with the following provisions:

(a) An unlicensed animal, or an animal, the owner of which is unknown, which has not been redeemed within 72 hours after impoundment, may be adopted or euthanized.

(b) A licensed animal, or an animal, the owner of which is known, which has not been redeemed within 120 hours of notification of the owner by telephone contact, or by mailing or by posting at the owner's dwelling the impoundment notice, may be adopted or euthanized.

(2) Except as provided in LC 7.060(1) above, Animal Services shall notify the owner by telephone or by the mailing of an impoundment notice within 24 hours after the impoundment that the animal may be euthanized within 120 hours after such notification. The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for redemption of the animal, the fees for the impoundment, daily care and redemption and the consequences of failure to redeem the animal.

(3) Dogs impounded pending a hearing on whether their acts amounted to a violation of LC 7.130, may be euthanized if any of the following occurs:

(a) If the owner of the dog is unknown after 72 hours from the time of impoundment, or

(b) If there has been a hearing in which the court so determines.

(4) If an order is entered by the court for an animal to be euthanized, the Director may request that the execution of the order be stayed, providing that the animal owner and the attorney representing the County present an agreement for approval, signed by both parties and providing for:

(a) Restitution to be paid to the person injured, if applicable, including damages resulting from the injury to or destruction of livestock; and

(b) Reasonable restrictions that will help to ensure the chance that the animal does not engage in such conduct again, which may include but are not limited to requirements that the owner build a run for the animal before it is released, fence his or her yard or have the animal live elsewhere in a secure setting, and agree not to own any other animal on the property where the owner resides.

(5) Notwithstanding the previous subsections, any animal given to Animal Services by the owner for disposition may be euthanized immediately or, in the alternative, adopted by any person. The owner shall pay required fees for euthanizing and/or handling the animal(s). For purposes of this section, an owner is a person who has had the animal in his or her care, possession, custody or control for six weeks or more.

(6) Notwithstanding the previous subsections, abandoned or unwanted litters of animals aged two months or less may be euthanized immediately or, in the alternative, adopted by any person. This subsection does not apply to litters impounded following a search of premises.

(7) Notwithstanding the previous subsections, certain sick or injured animals may be euthanized immediately pursuant to the provisions of LC 7.100 below. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 18-79, 1.9.80; 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)*

7.065 Redemption and Adoption.

(1) Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges:

(a) Impoundment fee;

(b) Daily care fee;

(c) License and rabies vaccination fees, if required; and

(d) Medical care fees, if required.

(2) Impounded animals may be adopted or euthanized after the applicable holding time.

(3) When an animal is adopted out by Animal Services, the purchaser shall pay any required license and rabies vaccination fees.

(4) No impoundment charge shall be made for an animal released after determination by the court that no violation has occurred.

(5) No live animal shall be provided by Animal Services for surgical or medical demonstration or research.

(6) Except as otherwise provided, if after 72 hours an impounded animal is not redeemed or adopted, Animal Services is authorized and empowered to euthanize the animal.

(7) If a dog or cat is adopted from Animal Services or from any other agency which accepts unwanted or abandoned animals, the owner must have the dog or cat spayed or neutered within four months from the date of adoption if the dog or cat is too young to be spayed or neutered immediately. If a dog or cat over six months old is adopted by an agency which accepts unwanted or abandoned animals, the dog or cat must be spayed or neutered within one month after it is turned over to its new owner. A violation of LC 7.065(7) is a Class A violation.

(8) If a person who is the owner of an animal fails to reclaim it from Animal Services within five days after notification that the animal is ready to be released, then that person commits a Class A violation. *(Revised by Ordinance No. 12-72, 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 or death of the dog, whichever occurs first.

(3) No license shall be issued until a certification of vaccination for rabies is presented to Animal Services or duly authorized issuer.

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee may be charged if the license is renewed after it has become more than 30 days delinquent.

(5) A license tag issued to the dog shall be securely attached and visible 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) Animal license and identification 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 or identification tag. 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.

(2) No license fee shall be required for any dog owner who needs and uses the dog as a service dog. 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 Animal Services.

(3) After application upon a form to be provided by Animal Services, 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 Animal Services 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 euthanized, upon a finding by the court that the restrictions or euthanization 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 or residence using a watchdog must conspicuously post the premises to warn the public of the watchdog. In the case of a business, 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 A 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 or commercial breeding establishment, without the appropriate kennel license. Kennel licenses shall be valid for 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)*

7.088 Filing of Rabies Vaccination Certificate, Issuance of Tag.

(1) Upon the rabies vaccination of any dog, the veterinarian performing the vaccination shall transmit a copy of the vaccination certificate to the Lane County Health Administrator.

(2) The Health Administrator, or the Administrator's designee, shall be responsible for the administration of this section.

(3) A rabies tag fee, and a tag replacement fee, shall be established for those dogs required to be licensed pursuant to LC 7.070 and 7.075, and the fees shall be set forth in Lane Manual. Upon receipt of the fee, a serial-numbered rabies tag, identifying its expiration date, will be issued to the owner of the dog.

(4) Information received from a veterinarian identifying any owner, address or phone number, or rabies tag serial number, shall be considered a part of the veterinarian's customer list, and will not be disclosed except to the following, who shall keep it confidential as permitted by law:

- (a) Oregon Department of Human Services;
- (b) Lane County Animal Services;

(c) A physician, or any emergency medical personnel, treating a patient who has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;

(d) A veterinarian treating an animal that has been bitten, scratched, or who may have been otherwise exposed to a zoonotic disease;

(e) Federal, state, and local law enforcement and prosecutorial agencies investigating potential rabies transmission.

(5) Violation of this provision by a veterinarian shall result in a Class C violation for the first offense; and a Class B violation for additional violations of this provision. *(Revised by Ordinance No. 19-04, Effective 1.15.05)*

7.090 Reporting of Biting Animals.

(1) The owner of a domesticated animal which bites a human shall immediately notify Animal Services 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 domesticated animal shall forthwith notify Animal Services of such bite giving a description of the animal, 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 domesticated animal, such person shall notify forthwith Animal Services.

(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 Animals - Quarantine.

(1) When either Animal Services, the Department of Health and Human Services or the Department of Public Safety of Lane County has grounds to suspect that an animal is infected with the disease of rabies, there shall be delivered to the owner of the animal a written notice thereof. The owner shall thereupon be required to quarantine his or her animal for 10 days. The biting of any person by the animal shall constitute grounds for suspecting their animal to be so infected. The delivery of the notice to a member of the owner's family 18 years or older at the premises where the animal is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

(2) Any animal 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 as indicated in the Notice of Quarantine requirements; or

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

(3) Any animal that has been bitten by an animal proved to be rabid shall be euthanized.

(4) If an animal 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 euthanized 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)*

7.100 Sick or Injured Animals.

(1) Any sick or injured animal found by a peace officer or animal welfare officer off the premises of its owner shall be delivered to its owner if it is feasible to do so. Any such animal for which the owner is either unknown or cannot be reached after reasonable attempts to do so may be impounded. The Director or his designee shall determine whether the animal is so severely injured or incurably crippled that the humane

thing to do would be to euthanize the animal. If the Director or his designee reasonably believes the animal should be euthanized, the animal may be euthanized immediately. If the Director or his designee reasonably believes that the animal should not be euthanized and that treatment is necessary, the animal may be delivered by Animal Services to a veterinarian for medical treatment. If the veterinarian determines that treatment should be given, such treatment may be given, provided, however, the animal may be euthanized if not claimed by its owner within 72 hours after being delivered to the veterinarian.

(2) Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be determined by separate contracts between Lane County and individual veterinarians.

(3) The owner of the animal shall be liable to the veterinarian and to the Animal Services for all expenses which are incurred for the care of said animal. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82; 3-89, 5.12.89; 1-00, 4.12.00)*

7.105 Animal Abandonment.

(1) A person commits the offense of animal abandonment if the person leaves a domesticated animal at a location without providing for the animal's continued care. It is no defense to the offense in LC 7.105(1) that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(2) A person who commits the offense of animal abandonment commits a Class A violation. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.110 Dogs at Large Prohibited.

(1) No dog owner shall permit a dog to be at large.

(2) A dog owner, whose dog runs at large, commits a Class C violation if the dog has been spayed/neutered or a Class B violation if the dog is fertile.

(3) A dog owner is deemed to be negligent per se for the actions of a dog at large when the dog causes injury to a person or property. *(Revised by Ordinance No. 2-82, Effective 4.9.82; 13-86, 11.7.86; 3-89, 5.12.89; 1-00, 4.12.00)*

7.115 Continuous Annoyance.

An animal owner who fails to control any animal that causes annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property commits a Class C violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.120 Animal Abuse.

(1) Class A Violation. A person who, except as otherwise authorized by law,

(a) Causes serious physical injury to an animal; or

(b) Cruelly causes the death of an animal, commits a Class A violation.

(2) Class B Violation. A person who, except as otherwise authorized by law, causes physical injury to an animal commits a Class B violation.

(3) Any practice of good animal husbandry is not a violation of LC 7.120. *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00)*

7.121 Possession of Fighting Animals.

(1) A person commits the offense of possession of fighting animal(s) if the person has in his/her possession, care, custody or control an animal which is trained to fight another animal, is being trained to fight another animal, has fought another animal in an arranged fight or is intended to fight another animal.

(2) Animal pounds, shelters, and humane societies are exempt from the provisions of this section.

(3) Animal Services shall immediately seize any animal reasonably believed to be an animal either used or intended or reasonable believed to be intended for use in animal fighting. Said animal shall be detained pending adjudication of the violation.

(4) Procuring animals for fight training purposes, including smaller "bait animals" such as cats, rabbits or small dogs is prohibited.

(5) Possession of a fighting or bait animal is a Class A violation.

7.122 Capturing and Killing of Dog or Cat.

A person who, except as otherwise permitted by law, obtains, captures, or otherwise acquires a dog or a cat intending to kill it, and who subsequently does so, commits a Class A violation. *(Revised by Ordinance No. 8-06, Effective 10.27.06)*

7.125 Animal Neglect.

(1) As used in this section, "minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.

(c) In case of pets or domestic animals, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) Pets or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

(2) Animal Neglect (Class B violation). A person who fails to provide minimum care for an animal in such person's custody or control commits a Class B violation.

(3) Animal Neglect (Class A violation). A person who fails to provide minimum care for an animal in such person's custody or control and such failure results in serious physical injury or death to the animal, commits a Class A violation. *(Revised by Ordinance No. 3-89, Effective 5.12.89; 1-00, 4.12.00)*

7.129 Possession of a Stolen Animal.

(1) A person commits the offense of possession of a stolen animal if a person has in his/her care, custody, possession or control an animal not owned by that person and not placed by the owner/caretaker of that animal, in the persons care, custody or control.

(2) Exempt from this section are animal welfare organizations, persons in the act of taking a stray animal to a welfare organization, taking an animal for emergency veterinary treatment or alteration, caring for a stray animal or returning or attempting to return a lost animal to the rightful owner. It is not required under this section that the animal be reported as stolen to a police agency.

- (3) Possession of a stolen animal is a Class A violation.

7.130 Dangerous Behavior.

The purpose of this section is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, domestic animals or property are identified and subjected to reasonable restrictions.

(1) Class C violation dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock.

(2) Class B violation dangerous behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

- (3) Class A violation dangerous behavior is established if:

(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 or causes the death of 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 Services 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; 14-04, 7.15.04)*

7.140 Dog Waste Matter.

(1) It shall be unlawful for a dog owner to allow the dog, except for service dogs, to deposit solid waste matter on any property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

(2) A violation of LC 7.140 is a Class C violation. *(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)*

7.150 Right to Kill a Dog Chasing, Killing or Injuring Livestock.

Any dog which chases, kills or injures livestock stock not belonging to its owner, while off the premises owned or under the control of its owner, may be killed immediately by any person. *(Revised by Ordinance No. 12-72, Effective 6.7.72; 16-75, 12.26.75; 2-82, 4.9.82, 13-86, 11.7.86; 1-00, 4.12.00)*

7.151 Right to Kill a Dog Killing or Injury Humans or Domestic Animals.

Any dog which, while off its owner's premises, kills, wounds, or injures a human or domestic animal may be killed immediately by any person.

7.155 Reporting of Gun Shot Wound.

(1) The owner of an animal that has received a gun shot wound shall immediately notify Animal Services of such gun shot wound, and if known, the time and circumstances of the shooting and the name and address of the person who shot an animal.

(2) Any person who shoots an animal shall immediately notify Animal Services of the shooting, giving a description of the animal, the time and circumstances of the shooting and the name and address of the animal's owner, if known.

(3) 7.155(1) and (2) do not apply in the case of an animal being shot by the animal's owner.

(4) When a veterinarian or other person has information that an animal has been shot, such person shall immediately notify Animal Services.

(5) A violation of LC 7.155 is a Class A violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.160 Selling, Trading, Bartering or Giving Away Animals in Certain Locations Prohibited.

(1) No person shall sell, trade, barter or give or offer to give away any animal to another person in a County park, or property owned by Lane County except for the Lane County Fairgrounds.

(2) A violation of LC 7.160 is a Class B violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*

7.161 Illegal Sale or Gifting of Unhealthy Animals.

No person shall knowingly sell, trade, barter or give away any animal to another person if said animal has any serious communicable disease, without fully disclosing such disease. A violation of LC 7.161 is a Class B violation.

7.164 Pet Dealer Requirement.

(1) Every pet dealer shall maintain for a period of one year and present to Animal Services upon request:

(a) The breeder's and broker's name, address, or if not known, the source of the animal. If the dealer is licensed by the Department of Agriculture, the person's name, address and federal dealer number.

(b) The seller's name, address and other identifying information.

(c) The date of birth of the animal, unless unknown.

(d) Medical records of the animal including a record of immunizations and worming treatments administered, if any, as of the time of sale and the date the dealer received the animal.

(e) Price paid for the animal.

(2) A violation of LC 7.164 is a Class C violation.

7.170 Dogs in Season (Estrus).

(1) No person shall permit a dog in heat (estrus) to be accessible to male dogs not in the person's ownership, except for intentional breeding purposes.

(2) Violation of LC 7.170 is a Class B violation. *(Revised by Ordinance No. 13-86, Effective 11.7.86; 1-00, 4.12.00)*