

ORDINANCE NO. 926

AN ORDINANCE ESTABLISHING THE REGULATION OF ANIMALS;
ESTABLISHING A PROCEDURE FOR SETTING FEES; PROVIDING FOR
REMEDIES; AND REPEALING ORDINANCE NO. 858

The City of Oakridge ordains as follows:

Section 1. - Purpose. An animal control authority for the City of Oakridge is hereby established for the purpose of providing for the health, welfare, and safety, of citizens within the corporate boundaries of the city, and for the health, welfare, and safety, of their animals.

Section 2. - Definitions. As used in this ordinance, the following mean:

1. **Abandoned.** Any dog or other animal left without proper food and water for a period of over 24 hours, or any barking dog without supervision for a period of over 24 hours. An impounded animal, unredeemed or unclaimed by its owner after 24 hours may also be considered abandoned. Any animal abandoned under O.R.S. 167.340.
2. **Animal.** Any nonhuman animal species that include mammals, reptiles, amphibians, birds and fish.
3. **Animal, Adult.**
 - 3.1. Any domesticated dog, cat, fowl, poultry or rabbit over the age of six months.
 - 3.2. Any horse, cow, llama, sheep, goat, miniature horse, pygmy goat, or other animal over the age of one year.
4. **Animal Control Authority.** The animal control enforcement authority appointed by the city. An animal control officer is an officer of the animal control authority. Animal Control Officer may also be a sworn peace officer as defined in O.R.S. 161.015, whose primary duties include enforcement of municipal ordinances regarding animal control, and investigation of offenses against animals under O.R.S. 167.310 to 167.390. Other personnel may also be assigned as needed, to carry out the duties of the animal control officer.
5. **Animal Owner.** A person who is the owner of a licensed or registered animal, who has the right of property in an animal, who harbors an animal or exercises care, possession, custody or control of an animal, or who knowingly permits an animal to remain on any premises occupied by the person. Any person who resides where an animal is kept, harbored or cared for, is presumed to be the owner of that animal. This presumption may be rebutted by proof that the person has no property right in the animal, is not the licensed owner and is neither harboring nor caring for the animal. For the purposes of this definition, veterinarians and commercial kennel operators are not considered animal owners.
6. **At Large.** An animal inside the corporate limits of the city, off the premises of the keeper, and not under complete control by adequate leash or other restraint.
7. **Barking Dog.** Continuous Annoyance. Permitting a barking dog to cause continuous annoyance occurs when a person unreasonably permits a dog to cause continuous annoyance, alarm or disturbance for more than 15 minutes at any time of day or night, be it repeated

barking, whining, howling or other like sounds which can be heard beyond the boundary of the owner's property.

8. **Cruel Mistreatment.** Includes, but is not limited to, intentionally, knowingly or recklessly overdriving, overloading, overworking, torturing, tormenting, depriving of necessary sustenance, beating, mutilating, killing, or otherwise inflicting cruelty on a dog or other animal or treating it in a cruel manner.
9. **Cruel Neglect.** Includes, but is not limited to, intentionally, knowingly or recklessly failing to provide an animal with necessary and adequate food and water for a period in excess of 24 hours, abandoning an animal, depriving an animal of an adequate air supply, failing to provide an animal with necessary medical and/or veterinary attention, or failing to provide an animal with adequate shelter from the elements.
10. **Dangerous Animal.** Any animal which has the propensity to menace, bite, or attack any person or animal without provocation and the capacity to inflict serious harm on such person or animal. Additionally, any animal that has injured a human being or animal, on two occasions without provocation is a dangerous animal.
11. **Domesticated Animal.** An animal that has been trained or made tame and is dependent upon its owner for essential necessities (i.e., food, water, shelter, etc.)
12. **Dog.** A highly variable, carnivorous, domesticated mammal, probably derived from several wild species. The term "dog" does not include wolf. The term "dog" includes male or female, of any age, size, color or breed. Animals declared by the owner to be wolf-dog hybrids will be licensed under the dog control ordinances and all other animal control regulations that would apply to a dog shall apply.
13. **Dog, Adult.** Any dog over the age of six months.
14. **Dog Kennel, Commercial.** A place of business authorized by the Oakridge Development Code for the commercial care of dogs, including, but not limited to, the boarding, grooming, breeding, training or selling of dogs. The term is not intended to include an animal hospital.
15. **Exotic Animals.**
 - 15.1. Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat);
 - 15.2. Any monkey, ape, gorilla or other non-human primate;
 - 15.3. Any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); and
 - 15.4. Any bear, except the black bear (*Ursus americanus*).
16. **Feral Animal.** Animals born and reared in the wild, or any domesticated animal such as a dog or a that has returned to live in wild conditions.
17. **Fighting Animals.** Any animal expressly bred, trained, or maintained for the purposes of animal fighting. Any animal, especially dogs or fowl, engaged or subjected to combat for sport or wager.
18. **Fowl.** Any of various birds of the order Galliformes; especially, the common, widely domesticated chicken.
19. **Humane.** Reasonable care and maintenance of an animal, so as to minimize pain or discomfort.
20. **Humane Destruction.** Destruction or euthanasia of an animal accomplished by a means that minimizes pain and suffering.

21. **Interfere.** To act in an intentional manner that prevents, or attempts to prevent an animal control officer or peace officer from performing lawful duties, regarding an animal or animal owner.
22. **Keeper.** Any person, firm, association, entity or corporation who is the licensed keeper of, or who keeps, or who harbors, or who possesses, or who maintains, or who has custody of, or who exercised control over any animal (including but not limited to any barking dog, dangerous animal, dog, exotic animal, farm animal, fowl, livestock, vicious dog, watchdog or wildlife) or who knowingly permits any such animal to remain on any premises occupied by him or her.
23. **Kennel.** An enclosed and contained structure in which animals are sheltered and cared for, especially dogs.
24. **Leash.** Any humane device constructed of rope, leather strap, chain or other sturdy material not exceeding eight feet in length, being held in the hand of person capable of controlling the animal to which it is attached.
25. **Livestock.** Cattle, sheep, horses, miniature horses, goats, pygmy goats, swine, fowl, ratite (such as ostrich, cassowary, emu, moa, etc.), poultry, and any furbearing animal bred and maintained commercially or otherwise on property or within pens, cages and hutches.
26. **Minimum Care.** The care sufficient to preserve the health and well-being of an animal.
27. **Neuter.** The removal of the ovaries and uterus in female animals. The removal of gonads or testes in male animals.
28. **Nuisance.** A state in which an animal, because of its behavior, disturbs and disrupts the peace and tranquility, or threatens the welfare of residents or other animals, within the corporate boundaries of the city.
29. **Peace Officer.** A city police officer or other officer specified in O.R.S. 161.015.
30. **Person.** A natural person, association, corporation, firm or partnership.
31. **Resist.** The use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person.
32. **Vicious Animal.** Any animal that has the unreasonable propensity to bite, attack, lunge at, chase or knock down a person or animal including domestic or farm animal, without provocation, at a time when the animal is outside of the animal owner's control or controlled property and has the capacity to inflict or cause physical injury to, any person or animal as described above, shall be regarded as vicious. Additionally, any animal that has bitten a person or domestic or farm animal on two occasions without provocation is a vicious animal.
33. **Control of Dog.** Means the dog is fully under the care, supervision and control of the dog's owner or handler. This includes being on a leash and totally controlled by the leash holder so that the dog may not unreasonably interfere with other animals, persons, or property.
34. **Controlled Property.** Means private or public property in which a dog is located that is completely secured or fenced in so that the dog may not unreasonably interfere with persons or property. A person's keeping of a dog in controlled property pursuant to this section may not otherwise be in violation of any park regulation, state or city law.
35. **Physical Injury.** Means an injury that impairs a person's physical condition or causes substantial pain.
36. **Watchdog.** A dog confined at a business or commercial establishment within a business or industrial zone to protect merchandise, inventory or equipment.

37. **Wildlife.** Pursuant to ORS 496.004, wildlife includes, but is not limited to, amphibians, antelope, beaver, black bear, bobcat, cougar, coyote, deer, elk, fisher, marten, mink, moose, mountain goat, mountain sheep, muskrat, otter, raccoon, reptiles, red fox, silver gray squirrel and gray fox.
38. **Wolf.** Wolf but excepting therefrom animals declared by the owner to be wolf-dog hybrids.
39. **Wolf-Dog Hybrid.** A canine identified as a wolf-dog hybrid by declaration of the owner.

Section 3. – Duties of Animal Owner or Person in Care of Animal. Any animal owner within the corporate boundaries of the city must provide the animal with a minimum level of care. Violation of this section is a Class C violation. Duties include the following:

1. Every animal owner shall provide the animal with food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
2. Every animal owner shall provide the animal with open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. (Snow or ice is not an adequate source.)
3. Every animal owner shall provide the animal with access to a doghouse, or other enclosed structure sufficient to protect the animal from the elements (i.e., wind, rain, snow, sun). Trees are not acceptable shelters under this chapter. The shelter must also have adequate bedding to protect the animal against cold and dampness.
4. Every animal owner has a responsibility to provide an animal with veterinary care necessary to relieve distress from injury, neglect or disease.
5. 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.
 - a. The air temperature in any confinement area must be suitable for the animal involved.
 - b. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

Section 4. – Violation.

1. **Keeping Livestock.** Livestock may be kept in the city consistent with the following standards:
 - a. If the keeper is in compliance with their livestock permit;
 - b. Livestock are limited as follows:
 - c. Livestock may not be bred;
 - d. Products generated by livestock, such as eggs, may be sold from residential property provided there is no violation of parking or traffic regulations;
 - e. Livestock may not be slaughtered on residential property;
 - f. Livestock must be contained consistent with the following standards:
 - i. All portions of an enclosure for the housing or shelter of livestock are to be located behind the front building plane of the dwelling;

- ii. All portions of an enclosure for poultry are to be located a minimum of 10 feet from any property line;
- iii. All portions of an enclosure must be kept and maintained in a clean and sanitary condition at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals or constitute a nuisance;
- iv. The outdoor, open air portion of the enclosure must meet the relevant minimum square footage requirements set out below, be able to provide the animals with the ability to feed, exercise and protect themselves from the elements as well as from other animals and be constructed in conformity with the city's land use regulations and all applicable building code;
- v. Food for livestock must be kept in waterproof containers having secure sides and lids and be located or kept behind the front building plane of the residence and a minimum of 10 feet from all property lines;
- vi. No more than one cubic yard of solid waste may be kept on the property at any one time and must be kept dry and be located behind the front building plane of the residence and a minimum of 10 feet from all property lines;
- vii. Permitting. Prior to keeping livestock, a keeper must:
 - 1. Submit a livestock permit on a form provided by the city demonstrating compliance with the standards of this subchapter. Incomplete permits or permits submitted without the fee under this Ordinance 926, will be denied;
 - 2. Submit a nonrefundable livestock permit fee, the amount of which will be set by council resolution and be sufficient to offset the reasonable administrative costs of the city in administering the permit;
 - 3. Obtain the approval by the City Administrator or designee of the livestock permit; and
 - 4. Non-compliance with an approved permit will subject a keeper to citation and revocation of the permit.
- a. Annexation Exceptions.
 - viii. Standard Annexation. Property annexed to the city, the owners of which both requested and were granted written approval by the city to keep livestock, may maintain the same quantity and type of livestock on the property as requested and granted.
- b. Keeping permitted livestock within the city limits shall be permitted on property zoned Low Density Residential (R-1) district only.
- c. All persons keeping permitted livestock shall reside on or be adjacent to the property on which the animals are kept.

2. Fowl and Poultry.

a. The keeping of poultry shall be limited to the following:

# of Adult Animals	Minimum Lot Size
1-4	None, under this ordinance. All other livestock regulations will be adhered to under Zoning Ordinance of the City of Oakridge 874

- b. The number of permitted young shall be limited to two times the number of permitted adult animals.
- c. Roosters are not permitted.

3. Bees.

d. The keeping of bees shall be limited to the following:

# of Hives	Minimum Lot Size
1	10,000 square feet
2 or more	+2,500 square feet/each hive-All other bee hive regulations will be adhered to under Zoning Ordinance of the City of Oakridge 874

4. Sanitation.

- d. It is a violation for any person to allow an animal under their care to defecate on any improved property (that does not belong to the animal owner), public thorough fare, easement, or right-of-way. Violation of this section is a Class C violation.
 - i. It shall be a defense to a violation of this division if the animal owner immediately removes the waste matter
- e. It is also a violation of this section to allow animal waste matter to accumulate on the animal owner's property for more than a seven-day period, or to the extent the accumulated animal waste matter causes an offensive odor to others, outside the boundaries of the animal owner's property. Violation of this section is a Class C violation.
 - i. It shall be a defense to a violation of this division if the animal owner contains the animal waste matter in material or a medium that absorbs or blocks the odor.
- f. All livestock shall be properly caged or housed and proper sanitation shall be maintained. All food shall be stored in metal or other rodent-proof receptacles.
- g. All structures designed to house livestock and farm animal pens and runs shall be located in the rear portion of the yard no closer than 10 feet from the front property line or 20 feet from any interior property lines.
- h. The city and/or animal control authority shall have the right at any time to inspect the premises where livestock is kept. Owners or Occupiers will be notified prior to entry onto the property, unless there are extra ordinary circumstances that require immediate entry. Owners or occupiers of premises not in compliance with

this section shall be notified in writing by the city to correct any deficiencies. If within one week of receiving the notice, the owner or occupier shall fail to correct the deficiencies listed, the city shall declare the premises to be a nuisance and the same to be abated.

5. Cruelty to Dogs or Other Animals.

- i. No person shall:
 - i. Subject a dog, farm animal or other animal to cruel mistreatment or cruel neglect; or
 - ii. Kill without legal privilege any dog, farm animal or other domesticated animal.

6. Dogs and Other Animals At Large Prohibited.

- j. No dog keeper shall permit a dog to be at large.
- k. Except for bees and cats, it shall be unlawful for the keeper of farm animals to allow these animals to run at large or be upon the premises of any other person, a public sidewalk or street.

7. Noise from Animals.

- l. No Person shall allow an animal under his or her care to make noise that unreasonably disturbs another reasonable person of normal sensitivities, of peace and quiet at anytime (law enforcement animals and service animals are exempt).

8. Animals as a Public Nuisance.

- m. An animal is a public nuisance if it:
 - i. Injures or causes injury to a person or another animal.
 - ii. Chases vehicles or people.
 - iii. Damages or destroys property of person other than the owner of the animal.
 - iv. Scatters garbage
 - v. Trespasses upon private property of persons other than the owner of the animal.
 - vi. Is a female in heat and running at large.
- n. It shall be a defense to this section if:
 - i. The dog or other animal bites or attempts to bite a person wrongfully provoking or assaulting the animal's owner, the owner's partner or children.
 - ii. The animal bites or attempts to bite a person trespassing upon premises occupied by the animal's owner, the owner's partner or children, or
 - iii. A person wrongfully assaults the dog or animal.
- o. Violation of this section is a Class B violation.

9. Animal Abuse.

- p. It is a violation of this chapter for any person to abuse an animal. Elements of animal abuse include:
 - i. When a person causes physical injury to an animal. Violation of this section is a Class B violation.
 - ii. When a person causes physical injury and cruelly causes the death of an animal. Violation of this section is a Class A violation.

10. Animal Neglect Prohibited.

- q. When a person negligently fails to provide minimum care for an animal in that person's custody or control, and such failure results in the serious physical injury or death to the animal. Violation of this section is a Class A violation.
- r. It is no defense to a violation of this section if the animal in question was impounded because of neglect and subsequently euthanized by the Animal Control Authority or veterinarian because of illness or its deteriorated physical state, or because the animal was not redeemed from impoundment after 120 hours.

11. Regulating the Sale of Certain Fowl, Poultry and Farm Animals.

- s. No baby chick, duckling, gosling or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale, raffled, offered or given as a prize, premium or advertising device; or displayed in any store, shop, carnival, or other public place.
- t. Baby chicks, ducklings, goslings, and rabbits younger than four weeks of age may not be sold or offered for sale, raffled, or offered or given as a prize, premium, or advertising device, in quantities of less than 12 to a person.
- u. Stores, shops, vendors, and others offering baby chicks for sale, raffle, as a prize, premium, or for advertising purposes, or displaying these fowl to the public, shall provide and operate brooders or other heating devices that may be necessary to maintain these fowl in good health, and shall keep adequate food and water available to these fowl at all times.

12. Rabies Vaccinations. Every owner of a dog or cat, six months of age or older, shall immediately cause the animal to be vaccinated for rabies. Violation of this section is a Class A violation.

13. License, Registration, Fees and Exceptions.

- v. Licenses for Dogs.
 - i. Every owner of a dog, six months of age or older, shall immediately obtain a license for the dog. Violation of this section is a Class C violation.

- ii. Licenses shall be valid for one or three years, from the date of issuance, or until the sale or gift of the animal, whichever occurs first. Dog licenses are non-transferable.
 - iii. No dog license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the Animal Control Authority or authorized representative. A dog owner may prepay the license fee, however, before a license tag is issued. Prepaying a license fee does not satisfy licensing requirements of this chapter.
 - iv. Dog owners shall renew animal licenses before they become delinquent for as long as they own the animal. Violation of this section is a Class C violation.
 - v. It shall be a defense to a violation of division (A) (i) and (A)(iv) of this section, if the animal owner demonstrates the dog in question is deceased, has been given to someone else, or is no longer under the owner's care, before the license expires. Demonstration that the dog in question belongs to someone else includes a bill of sale or transfer, with the new owner's name, address, phone number and other applicable information.
 - vi. A license tag issued to a dog owner shall be attached securely to a collar or harness on the animal for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee. Violation of this section is a Class C violation.
- w. Registration for cats.
- i. Every cat owner of a cat six months of age or older shall immediately register the animal with the City Animal Control Authority. It shall be the responsibility of every cat owner to ensure that the animal can be properly identified by a tag, implanted identification chip, or other form of identification. Cat owners are only required to register their cats one time. Violation of this section is a Class C violation.
- x. Fees.
- i. Fees which are due and payable upon the issuance of a dog license, cat registration, and other fees required to be paid under the provisions of this chapter, shall be set by Council resolution and amended regularly.
- y. License fees; exceptions.
- i. No license fee is required for an assistance animal as defined by O.R.S. 346.680. Proof of rabies vaccination is also required before a license for an assistance animal is issued.
 - ii. Owners of neutered dogs may apply for a reduced license fee. A person who requests a reduced license fee for a neutered dog must present a certificate from a licensed veterinarian, stating the animal in question has been neutered, along with proof of rabies vaccination.
 - iii. Senior citizens (60 years of age or older) shall receive a reduced license fee. Applicants must provide proof of their age, along with proof of rabies vaccination for the animal.
 - iv. Commercial kennel owners/operators within the corporate boundaries of the city shall not be required to license animals under their care.

Commercial kennel owners/operators must possess a valid city business license and meet all zoning/planning requirements prior to operation.

14. Abandoned Animals.

- z. It is a violation of this section for an animal owner to abandon an animal. Violation of this section is a Class A violation.
 - i. It is no defense if the person intentionally or knowingly abandons an animal near an animal shelter, veterinary clinic or other place of shelter if the animal owner, or person responsible for the disposition of the animal, did not make reasonable arrangement for the care of the animal.
- aa. Any animal control officer, upon finding an abandoned animal, may:
 - i. Provide food and water and arrange for needed medical service for the abandoned animal. The animal owner shall pay for such services.
 - ii. Impound the abandoned animal.

15. Sick or Injured Animals.

- bb. The Animal Control Officer may deliver a sick or injured animal to its owner, if the animal is found away from the owner's property. If, after a reasonable attempt is made to contact the owner and the Animal Control Officer is unable to do so, he may deliver the injured or sick animal to a veterinarian if one is available. An animal owner will bear all costs and medical expenses incurred in accordance with this section.
- cc. An Animal Control Officer may humanely destroy any animal too ill, or severely injured, and not on the property of its owner, when the owner is unknown or cannot be reached after reasonable attempts to do so.
- dd. An animal owner may release a sick or injured animal to the Animal Control Authority for human destruction, or euthanasia. However, the animal owner shall bear the cost, as set forth in the fee schedule. Release means the signing of a euthanasia form that waives interest and ownership after fees are paid.
- ee. It is a violation of this chapter for an animal owner to deprive a sick or injured animal of medical care, or attention. Violation of this section is a Class A violation.
- ff. It is a violation of this chapter for an animal owner to fail to humanely destroy, or to provide for the human destruction of an animal too ill or too severely injured to move. Violation of this section is a Class A violation.

16. Dead Animals; Removal of Carcasses.

- gg. It is a violation for any person to knowingly permit the carcass of a deceased animal (owned by that person) to remain on public property or to be exposed on private property for more than 24 hours. Cost for removal and disposal of a deceased animal shall be the responsibility of the animal owner. Violation of this section is a Class C violation.

17. Dangerous Animals.

- hh. No person, firm, association, or corporation who is the keeper of a dangerous animal, or who has a right of property in, or who harbors, has in his care, possession, custody or control a dangerous animal, shall allow a dangerous animal to be exposed to the public.
- ii. A dangerous animal that has been exposed to the public may be impounded by a peace officer or animal control officer and disposed of in accordance with the provisions of this code for the impoundment and disposition of dogs. Before a dangerous animal is released, the municipal judge must enter findings stating that proper precautions will be taken to insure the public health and safety.
- jj. A dangerous animal running at large, that, because of its disposition or diseased condition, is too hazardous to apprehend may be destroyed by a peace officer, animal control officer, or by a person acting in defense of the person, the person's family, another person, or another dog or animal.

18. Fighting Animals Prohibited.

- kk. It is a violation of this section for anyone to possess, breed, harbor, or maintain any animal for the purpose of subjecting it to combat with another animal for sport or wager. Violation of this section is a Class A violation.

19. Betting on Animal Fights Prohibited.

- ll. It is a violation of this section for any person to place wagers or bets on animals engaged in combat or the outcome of an animal fight. Violation of this section is a Class A violation.

20. Reporting of Biting Animals.

- mm. The owner of an animal which bites a human shall immediately notify the Animal Control Authority of the bite, the time and circumstances of the bite, and the name and address of the person bitten (if known). The animal owner must also immediately present proof that the animal in question has a current rabies vaccination.
- nn. Any person who is bitten by an animal shall immediately notify the Animal Control Authority 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.
- oo. When a doctor, veterinarian, hospital employee, or other person, has information that an animal has bitten a person, the person shall immediately notify the Animal Control Authority.
- pp. Failure of any person to notify the Animal Control Authority of an animal bite shall be in violation of this section. Violation of this section is a Class A violation.

21. Biting and Rabid Dogs and Other Animals—Quarantine.

- qq. When either the animal control authority or the appropriate county or state public health agency has grounds to suspect that a dog or other animal is infected with the disease of rabies, there shall be delivered to the keeper of the dog or other animal, a written notice. The biting of any person by a dog or other animal shall constitute adequate grounds for suspecting the dog or other animal to be so infected. The keeper shall thereupon be required to quarantine the dog or other animal for 10 days. The delivery of the notice to a member of the keeper's family 15 years of age or older at the premises where the dog or other animal is kept or at the keeper's usual place of residence shall be considered a delivery of the notice to the keeper. An attempt to contact the owner or person in control of the premise shall be made. Any dog or other animal required to be quarantined shall be confined as follows:
- i. On the keeper's premises in such a manner as to prevent it from being in contact with any other animal or person; or
 - ii. At the keeper's expense in a veterinary hospital, the Greenhill Humane Society, or a kennel approved by either the appropriate county or state health agency or the animal control authority.
- rr. Any animal that has been bitten by a dog or other animal proved to be rabid shall be destroyed.
- ss. If a dog or other animal exhibits symptoms of rabies while it is under quarantine, the appropriate county or state health agency may dispose of the dog or other animal in accordance with its regulations.
- tt. Notwithstanding the 10-day period specified in subsection (1) of this section, if a wolf-dog hybrid bites a person or is exposed to a rabid animal the appropriate county or state health agency may dispose of the wolf-dog hybrid in accordance with its regulations.

22. Vicious Dogs.

- uu. No person shall own a vicious dog that is located within the city limits.
- vv. *Exception to Vicious Dog Classifications.* No dog shall be classified as vicious if the behavior in question was directed against a trespasser that has illegally entered any premises.
- ww. *Identification/Determination of Vicious Dog.* The Oakridge Municipal Court may also determine if a dog is a "vicious dog" based upon information that includes observation of a dog's unreasonable behavior, non-specific to the breed, witnessed by: any animal control officer, police officer, other public safety officer or by an individual who personally observes the animal's behavior and based upon any other relevant evidence as to the dog's unreasonable propensity to be vicious. Unreasonable dog behavior means unreasonable propensity to be vicious.
- xx. A vicious dog may be impounded by any peace officer or animal control officer and disposed of in accordance with the provisions of this code for the impoundment and disposition of dogs.

yy. A vicious dog running at large that because of its disposition or diseased condition is too hazardous to apprehend, may be destroyed by a peace officer, animal control officer, or by a person acting in defense of the person, the person's family, another person, or another dog or animal.

23. Killing and Chasing of Livestock.

- ww. No dog or other animal keeper shall permit the dog or other animal to chase, kill, wound or injure livestock not belonging to the dog keeper while off the premises owned or under the control of the dog keeper.
- xx. If any dog not under the control of any person is found chasing livestock on property other than that of its keeper, it shall be deemed prima facie as engaged in killing, wounding or injuring livestock.
- yy. No person shall own any dog with knowledge that it has killed or wounded livestock.
- zz. No keeper shall permit a dog to be at large and to chase livestock not belonging to the dog keeper.
- aaa. A dog found to be in violation of this section may be impounded and disposed of in accordance with section 32.

24. Impoundment of Dogs and Other Animals.

- bbb. Any peace officer or animal control officer may impound a dog or other animal that is in violation of this code.
- ccc. The animal control authority shall impound a dog if the keeper of the dog has not posted bail or paid a fine for a violation of this code imposed by the municipal judge. For any dog so seized, the notice and disposition of the dog shall be in the same manner as for licensed dogs under the provisions of this code.
- ddd. Any person whose property has been trespassed upon by any dog or other animal in violation of this code may apprehend that dog or other animal upon the person's premises. The person may hold the dog or other animal or deliver it to the city's designated impoundment facility. Any person who so impounds a dog or other animal must immediately notify the animal control authority of such impoundment.
- eee. If an animal control officer or a peace officer has probable cause to believe that any animal that is in an unoccupied motor vehicle may be in danger of dying, the officer may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed.

25. Impoundment—Redemption and Sale.

fff. Redemption of impounded dogs or other animals shall be made by exhibiting satisfactory proof that the person is the keeper, and by paying the following required fees and charges:

- i. Impoundment fee;
- ii. Daily care fee;
- iii. License and rabies vaccination fees, if required;
- iv. Medical care fees, if required.

ggg. Subject to the other requirements of this code, impounded dogs and other animals may be sold.

hhh. When a dog or other animal is sold to a citizen by the animal control authority, the purchaser shall pay any required license and rabies vaccination fees.

iii. No impoundment charge shall be made for dogs or other animals released after the municipal court's determination that no violation occurred.

jjj. No live dog or other animal shall be sold to any person or entity for surgical or medical demonstration or vivisection.

kkk. Except as otherwise provided, if after 10 days an impounded dog or other animal cannot be sold, the dog or other animal may be destroyed by any humane method permitted under state law.

26. Keeping Feral Animals.

lll. It is a violation of this Ordinance for any person to keep, care for, or attempt to domesticate a feral animal. Violation of this section is a Class C violation.

27. Entry onto Private Land/Premises; Search Warrant/Seizure of Animals.

mmm. Any Animal Control Officer or Peace Officer may enter onto private land in the course of the officer's duties while enforcing the provisions of this ordinance, but the officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

nnn. If there is a probable cause to believe that any animal is being mistreated under the terms of this ordinance, a Peace Officer or an Animal Control Officer who is also a sworn police officer may enter the premises where the animal is located, after obtaining a warrant or in any other manner authorized by law, to provide the animal with food, water, and emergency medical treatment, and may impound the animal.

28. Failure to Surrender Animal.

ooo. It is a violation for an animal owner to fail to surrender an animal to the Animal Control Authority (including a city Animal Control Officer, or Peace Officer) upon their demand, so the animal can be impounded or quarantined as provided for in this ordinance. Violation of this section is a Class A violation.

29. Resisting an Animal Control Officer or Peace Officer.

ppp. It is a violation for any person to resist someone known to them as a Peace Officer or Animal Control Officer, who is enforcing any provision of this chapter. Violation of this section is a Class A violation.

30. Interfering with an Animal Control Officer or Peace Officer.

qqq. It is a violation for any person to resist someone known to them as a Peace Officer or Animal Control Officer, who is enforcing any provision of this chapter. Violation of this section is a Class A violation.

31. Unlawful Possession of a Domesticated Animal.

rrr. It is a violation of this chapter for a person convicted of animal abuse, animal neglect, or animal abandonment (under Oregon Revised Statutes), and living within the corporate boundaries of the city, to possess a domesticated animal. Violation of this section is a Class A violation.

32. Impounding Regulations and Disposition of Impounded Dogs.

sss. The animal control authority shall keep any dog impounded for the period of time hereinafter specified. The animal control authority shall dispose of such dogs in accordance with the following provisions:

- i. An unlicensed dog or a dog that the keeper is unknown which has not been redeemed within 72 hours after impoundment may be sold or destroyed.
- ii. A licensed dog or a dog for which the keeper is known which has not been redeemed within 120 hours of notification of the owner by telephone contact or by mailing of impoundment notice may be sold or destroyed.

ttt. The animal control authority shall notify the keeper by telephone or by the mailing of an impoundment notice as soon as practicable after impoundment. The impoundment notice shall advise the keeper of the place where the dog is kept, the procedures required for the redemption of the dog, the fees for the impoundment, daily care and redemption, the consequences of failure to redeem the dog.

uuu. A dog keeper whose dog is impounded as a vicious dog under section 22, or stock molestation under section 23, within the period described in subsection sss. i. Section 32 72 hours, whichever is applicable, may apply to the municipal judge for the release of the dog, and the municipal judge shall set a time and place for hearing the application and notify the impounding officer. Upon a summary hearing, the municipal judge shall determine whether the dog has been wrongfully impounded and whether it shall be returned to its keeper, and upon what terms.

vvv. Upon a showing made by affidavit that there is probable cause to believe that a dangerous animal has been exposed to the public in violation of section 22, or that a person keeps a vicious dog in violation of Section 22, a judge may issue an order requiring the keeper to appear at a time set by the court and show cause why the animal should not be destroyed. The order may be served upon the keeper by any method authorized by the Oregon Rules of Civil Procedure (ORCP) for services of summons. The court may further order the dangerous animal or vicious dog be impounded by the animal control officer or any peace officer and

held pending conclusion of the show cause hearing in a veterinary hospital, the Greenhill Humane Society, a kennel approved by either the appropriate county or state health agency or the animal control authority. If a preponderance of the evidence at the show cause hearing supports a finding, the court may:

- i. Order the dangerous animal or vicious dog be destroyed; and
- ii. Require the keeper to pay the costs of impounding, holding and destroying the dangerous animal or vicious dog.

33. Enforcement Authority.

www. Animal Control Officers are hereby empowered to enforce the provisions of this ordinance.

Section 5. – Penalty.

1. The city of Oakridge adopts and incorporates by reference herein the Oregon Revised Statutes in regards to jail terms for misdemeanors. Therefore, pursuant to the ORS, sentences for misdemeanors shall be for a definite term. The court shall fix the term of imprisonment within the following maximum limitations:
 - 1.1. For a Class A misdemeanor, one year;
 - 1.2. For a Class B misdemeanor, six months;
 - 1.3. For a Class C misdemeanor, 30 days; and
 - 1.4. For unclassified criminal misdemeanor offenses as provided by the following; if no specific statutory penalty in the ORS is provided for, therefore the misdemeanor is unclassified pursuant to the ORS or Oakridge Municipal Code, 30 days.
2. Fines for Misdemeanors.
 - 2.1. A sentence to pay a fine for a misdemeanor shall be a sentence to pay an amount fixed by the court, and not exceeding:
 - 2.1.1. \$6,250.00 for a Class A misdemeanor;
 - 2.1.2. \$2,500.00 for a Class B misdemeanor;
 - 2.1.3. \$1,250.00 for a Class C misdemeanor.
 - 2.2. A sentence to pay a fine for an unclassified criminal offense shall be a sentence to pay an amount not exceeding \$1,250.00.
3. Non-criminal offenses or violations of the Oakridge Municipal Code or any other ordinance of the city shall be punished by a fine not exceeding \$2000.00 No jail sentence shall be awarded for convictions of a non-criminal offense or violation. Animal Control Officer/Sworn Officers may issue uniform citations to charge a person with any violation of this ordinance.
 - 3.1.1 \$200.00 Minimum to \$2,000.00 Maximum Class A Violation
 - 3.1.2 \$100.00 Minimum to \$1,000.00 Maximum Class B Violation
 - 3.1.3 \$50.00 Minimum to \$500.00 Maximum Class C Violation
4. Every day a violation of this code or any other ordinance of the city continues shall constitute a separate offense.
5. In all cases involving a bail forfeiture or conviction of sections of this code, the court may additionally:

- 5.1. Order the animal be impounded and destroyed; and
- 5.2. Order the owner of the animal to pay all fees and costs for impoundment, daily care, medical care and destruction.
- 6. In all cases involving a bail forfeiture or conviction of sections the court may additionally:
 - 6.1. Order the farm animal or livestock be impounded and either sold in a manner acceptable to the court, or be destroyed; and
 - 6.2. Order the owner of the farm animal or livestock to pay all fees and costs for impoundment, daily care, medical care, licenses, vaccinations and either destruction or sale; and
 - 6.3. All proceeds of sale shall be applied first to the fees and costs identified in subsection (6)(b) of this section, and then to any fines or other assessments imposed pursuant to this section. The excess proceeds of sale, if any, shall be refunded to the defendant.
- 7. In all cases involving a bail forfeiture or conviction of this code, the court may additionally:
 - 7.1. Order the exotic animal or wildlife be impounded and either destroyed or forfeited and delivered to the Oregon Department of Fish and Wildlife or any zoo acceptable to the court if said zoo is willing to accept and keep the exotic animal or wildlife without charge to the city; and
 - 7.2. Order the owner of the exotic animal or wildlife to pay all fees and costs for impoundment, daily care, medical care, permits, licenses and vaccinations prior to destruction or delivery to the Oregon Department of Fish and Wildlife or to the zoo, and in the case of delivery to the Oregon Department of Fish and Wildlife or a zoo, the court may also order the defendant to pay the costs of transporting the wildlife or exotic animal to the Oregon Department of Fish and Wildlife facility, or to the zoo.

Section 6. - Emergency


The passage of this ordinance is necessary for the immediate preservation of the peace, health and safety of the City, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council.

READ BY TITLE ONLY, PASSED AND ADOPTED by a vote of the Oakridge City Council this 21st Day of September, 2017

PASSED BY COUNCIL OF THE CITY OF OAKRIDGE THIS 21st DAY OF September, 2017

APPROVED AND SIGNED BY THE MAYOR OF THE CITY OF OAKRIDGE THIS 21st DAY OF September, 2017


James B. Coey, Mayor

ATTEST: 
Susan M. LaDuke, City Recorder

Ayes: 5
Nays: 0