

**IN THE MATTER OF A MODIFICATION)
TO THE HOOD RIVER COUNTY)
DOG CONTROL ORDINANCE)** **ORDINANCE NO. 305**

WHEREAS, is was desired of the Commissioners to make modifications to the existing Dog Control Ordinance #250, and;

IT IS HEREBY ORDAINED, that Hood River County Ordinance No. 305 replaces Ordinance No. 250 as stated above, and the Hood River County Code is amended to read per the attached.

Adopted this 21st day of November 2011.

HOOD RIVER COUNTY
BOARD OF COMMISSIONERS

Ron Rivers, Chair

Karen Joplin, Commissioner

Maui Meyer, Commissioner

Robert Benton, Commissioner

Les Perkins, Commissioner

Chapter 6.04

POLICY, PURPOSE AND TITLE

6.04.010 Policy.

6.04.020 Purpose.

6.04.030 Title.

6.04.040 Relation to other laws.

6.04.050 Applicability.

6.04.010 Policy.

A. The Board of Commissioners of Hood River County recognizes that Oregon Revised Statutes Chapter 609 grants counties the power to regulate dogs by ordinance and that on June 26, 1979, the electors of Hood River County voted against allowing dogs to run at large in Hood River County. Pursuant to the vote of the electors and to Oregon Revised Statutes Chapter 609, the Hood River County Board of Commissioners declared Hood River County to be a dog control district.

B. The board further recognizes and finds that the regulation of dogs is a matter of county concern and therefore, Oregon Revised Statutes Chapter 203 provides a separate and independent legal basis upon which to enact this title. Pursuant to both Oregon Revised Statutes Chapters 203 and 609 the board finds it necessary to implement a program for the licensing and regulation of dogs:

to protect the health, safety and welfare of the residents and citizens of Hood River County; to recognize the property rights of both owners and non-owners of dogs; and to provide for the control and protection of dogs located in the county, the board does enact this title. (Ord. 123, § 1.1, 1983)

6.04.020 Purpose.

This title is enacted to provide a procedure and program for the implementation of the policy described in Section 6.04.010 to set forth the requirements for licensing, regulation, care and treatment of dogs and to describe the activities in relation thereto which shall be prohibited in Hood River County. (Ord. 123, § 1.2, 1983)

6.04.030 Title.

This title shall be known as the "dog control ordinance." (Ord. 123, § 1.3, 1983)

6.04.050 Applicability.

This title shall apply to all of Hood River County save and except those incorporated areas within Hood River County which have established their own dog licensing and dog control programs. (Ord. 123, § 14.1, 1983))

Chapter 6.08 DEFINITIONS

- 6.08.010 General definitions.**
- 6.08.020 Animal.**
- 6.08.030 Bail.**
- 6.08.040 Dog.**
- 6.08.050 Dog at large.**
- 6.08.060 Dog license.**
- 6.08.070 Hood River County Sheriff.**
- 6.08.080 Livestock.**
- 6.08.090 Menacing.**
- 6.08.110 Owner-Keeper.**
- 6.08.120 Person.**
- 6.08.130 Public nuisance.**
- 6.08.140 Veterinarian**
- 6.08.150 Veterinary hospital.**
- 6.08.160 Vicious or dangerous dog.**
- 6.08.170 Wolf defined.**
- 6.08.180 Minimum care.**

6.08.010 General Definitions.

As used in this title, the terms defined in this chapter shall have the defined meanings unless the context requires otherwise. Words in the present tense include the future, the singular includes the plural, plural usage includes the singular, “shall” means mandatory, not discretionary, and the masculine gender includes the feminine. (Ord. 123 § 2.1, 1983)

6.08.020 Animal.

“Animal” means any mammal, bird, reptile or amphibian. (Ord.123, § 2.2(a), 1983)

6.08.030 Bail.

“Bail” means money or its equivalent deposited by a defendant to

secure his or her appearance in court for a dog control offense. (Ord. 123 § 2.2(b), 1983)

6.08.040 Dog.

“Dog” means any mammal of the canine family. (Ord. 123, § 2.2(c), 1983)

6.08.050 Dog at large.

“Dog at large” means a dog off or outside of the premises of the owner, not restrained by a rope line, leash, chain, or other similar means, or not under the immediate control and command of an owner thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field, that dog shall be deemed “at large.” (Ord. 123, § 2.2(d), 1983)

6.08.060 Dog license.

“Dog license” means that license required to be issued annually for each individual dog pursuant to the provisions of this title. (Ord. 123 § 12(e), 1983)

6.08.070 Hood River County Sheriff.

“Hood River County Sheriff” means the duly elected sheriff of Hood River County, his deputies or designees. (Ord 123, § 2.2(p), 1983)

6.08.080 Livestock.

“Livestock” means horses, mules, jackasses, cattle, sheep, goats, swine, domesticated fowl, and any fur-bearing animal bred and maintained,

commercially or otherwise, within pens, cages or hutches. (Ord 123, § 2.2(i), 1983)

6.08.090 Menacing.

“Menaces” or “menacing” means lunging, growling, snarling, chasing, attacking or other behavior by a dog that would cause a reasonable person to fear for the person’s safety, the safety of another person or the safety of a domestic animal or livestock. (Ord 246, § 4, 2003)

6.08.110 Owner -Keeper.

“Owner” or “Keeper” means any person who keeps, has custody of, possesses, harbors, or exercises control over a dog or other animal, with the exception of veterinary hospitals as defined in this chapter. In a family situation, such person is presumed to be the head of household. (Ord. 123, § 2.20, 1983)

6.08.120 Person

“Person” means an individual, a partnership, company, association, corporation, or any other legal entity. (Ord. 123, § 2.2(k), 1983)

6.08.130 Public Nuisance.

“Public nuisance” means a dog does any of the following:

1. Bites or menaces a person;
2. Chases vehicles, or persons; livestock; or domestic pets;
3. Injures or kills any person, domestic animal or livestock;
4. Damages or destroys the

property of persons other than the owner of the dog;

5. Trespasses on private property of persons other than the owner of the dog;

6. Disturbs any person by frequent or prolonged noises;

7. Is a female in heat and at large;

8. Scatters garbage on any property not the exclusive property of the keeper of the dog;

9. Deposits animal waste on any property not the property of owner or keeper. (Ord. 246, § 5, 2003)

6.08.140 Veterinarian.

“Veterinarian” means a practicing veterinarian licensed pursuant to the laws of the state in which he conducts his or her veterinary practice, to perform any of the acts set forth under state law. (Ord. 123, § 2.2(m), 1983; Ord 246, § 6, 2003)

6.08.150 Veterinary hospital

“Veterinary hospital” means any business establishment maintained and operated by a veterinarian which is operated for the diagnosis and treatment of diseases or injuries to animals. (Ord. 126, § 2.2(n), 1983)

6.08.160 Vicious or dangerous dog.

“Vicious or dangerous dog” means any dog which menaces, bites, injures or kills any person, domestic animal or livestock. However, an animal shall not be deemed vicious if it bites, attacks, or menaces a trespasser on the property

of its owner or harms or menaces anyone who has wrongfully assaulted or abused it. (Ord. 123, § 2.2(o), 1983)

6.08.170 Wolf defined.

“Wolf” means any member of the family Canis Lupus. “Wolf Hybrid” means any animal that is the product of breeding a wolf with a domesticated dog. (Ord. 246, § 7, 2003)

6.08.180 Minimum care.

“Minimum care” means sufficient food to maintain the animal’s health, access to potable water that is not snow or ice, access to an enclosed structure sufficient to protect the animal, continuous access to an area that is kept clean and has adequate space and ventilation with suitable temperature and veterinary care to relieve distress from injury, neglect or disease.

Chapter 6.12

ADMINISTRATION

- 6.12.010 Enforcement authority.**
- 6.12.020 Enforcement Officers.**
- 6.12.030 Local Public Health Authority**
- 6.12.040 Powers and duties of Enforcement Officers**
- 6.12.050 Intergovernmental agreements**

6.12.010 Enforcement authority.

The Hood River County sheriff shall be vested with full authority to make arrests and otherwise enforce and

administer the provisions of this title, to do all things authorized by law to reduce the damage inflicted by dogs upon domestic animals and livestock, and to investigate claims against the dog control fund. The sheriff shall provide for a holding facility or place of impoundment where all dogs subject to impoundment shall be safely held and provided with proper and sufficient food, water and shelter. (Ord. 123, § 3.1, 1983)

6.12.020 Enforcement Officers.

Any peace officer, including any Dog Control Officers as designated by the Hood River County Sheriff, shall have the power to cite owners or keepers of dogs, or impound dogs for violation of this title, which power shall be in addition to any powers otherwise conferred upon him under Oregon State law. (Ord. 123, § 3.3, 1983; Ord. 246, § 9, 2003)

6.12.030 Local Public Health Authority (LPHA).

LPHA has the responsibility for administering rules and regulations of the Oregon Health Authority relating to rabies control in Hood River County. The LPHA has delegated to the Hood River County Sheriff the authority to quarantine dogs that are not known to be vaccinated against rabies and have bitten a person, or are suspected of having rabies. (Ord. 123, § 3.4, 1983)

6.12.040 Powers and duties of

Enforcement Officers.

The powers and duties of Enforcement Officers shall be as follows:

1. To have police power in the enforcement of all provisions of this title relating to the licensing and impounding of dogs and the citation of persons in lieu of arrests for violation of this title;
2. To impound and keep safely any dog which is found doing any of the acts prohibited by this title, is apparently abandoned, or as required by the LPHA;
3. To issue uniform dog control ordinance citations, to appear as witnesses and to perform all other acts necessary for the enforcement of this title;
4. To investigate reports of biting dogs as set forth in this title;
5. To investigate livestock claims made pursuant to this title;
6. In impounding any animal under this title, the Hood River County Sheriff shall have right to enter upon private property for the purpose of securing possession and impounding that animal and shall not be subject, civilly or criminally, for trespass. (Ord. 123, § 3.5, 1983)

6.12.050 Intergovernmental agreements.

The Hood River County Board of Commissioners shall be authorized to enter into intergovernmental agreements with any or all of the cities in Hood River County for the

furtherance of the purposes of this title. Any such agreements shall require the city to enact a dog control ordinance which provides that all dogs within that city shall be subject to the licensing requirements of this title and provide for substantially the same violations and penalties as provided in this title. The governing body of the city may choose to consent to the application of this title within its boundaries. Any such agreement may also provide for the sharing of revenues from the dog control fund for the purpose of elective dog control within Hood River County. (Ord 123, § 10.1, 1983)

Chapter 6.16 PROHIBITED CONDUCT

6.16.010 Owners of dogs.

6.16.020 Hindering impoundment.

6.16.030 Failure to appear in court.

6.16.040 Keeping of wolves prohibited.

6.16.050 Penalties.

{Note: former § 6.16.030 Cruelty to Animals repealed by Ord. 246, §§ 10 and 13, 2003}

6.16.010 Owners of dogs.

It shall be a violation of this title for the owner or keeper of a dog to:

1. Permit a dog to run at large.
2. Allow a dog to become a public nuisance as defined in this title, except

that a dog shall not be considered a public nuisance if the dog menaces, bites or injures a person who is wrongfully assaulting or otherwise provoking the dog or the dog's owner, or when the dog's behavior is directed towards a person trespassing on the premises occupied by the dog's owner.

3. Keep a dog without a license attached to its collar as required by this title;

4. Keep an unlicensed dog when that dog is subject to the licensing provisions of this title;

5. Keep a dog which has not received its rabies inoculation as required by Oregon State Law;

6. Leave a dog tethered and unattended on property not owned by the owner or keeper of the dog. This does not apply to dogs in or upon a vehicle;

7. Allow a dog to engage in behavior that is vicious or dangerous as defined in this Title;

8. Fail to comply with the requirements set forth in any judgment pertaining to the keeping of a vicious or dangerous dog;

9. Permit an animal to be confined within a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal including, but not limited to, dangerous temperatures, lack of food, water or supervision;

10. Permit any quarantined animal to leave the confines of any prescribed quarantine area or to fail to comply with any other condition of quarantine;

11. Keep an animal in a condition that does not meet minimum care standards as defined in this title.

(Ord. 123, § 4.1, 1983; Ord. 246, §§ 11 and 12, 2003)

6.16.020 Hindering impoundment.

It shall be a violation of this title for any person to hinder or otherwise interfere with the apprehension or impoundment of any dog by the Hood River County Sheriff, the Hood River County Dog Control Officer or any other peace officer. (Ord. 123, § 4.2, 1983)

6.16.030 Failure to appear in court.

It shall be a violation of this title for any person to fail to make an appearance in court pursuant to a uniform dog control citation or complaint required by this title or pursuant to order of the court to appear, or failure to appear at time of trial after a plea of not guilty. (Ord. 123, § 4.4, 1983)

6.16.040 Keeping of wolves prohibited.

No person shall keep a wolf or wolf hybrid within Hood River County. (Ord. 246, § 14, 2003)

6.16.050 Penalties

Penalties for violation of any provision of this chapter are set forth in Chapter 6.44. (Ord. 123, § 4.5, 1983;

Ord. 246, § 15, 2003)

**Chapter 6.20
LICENSING OF DOGS**

6.20.010 Licensing procedures.

6.20.020 License fees.

6.20.030 Rabies inoculation and certificate requirements.

6.20.040 Late license fee.

6.20.050 License tag.

6.20.060 Lost license tag.

6.20.070 License tag transfer.

6.20.080 License fees are not penalties.

{Note: Former §6.20.080

Extended License Period repealed by Ord. 246, §§ 16 and 19, 2003}

6.20.010 Licensing procedures.

Any person owning or keeping a dog which has permanent canine teeth or which is more than six months of age, shall procure a license for each such dog. Such license shall be procured within thirty days after the date the dog becomes six months of age or develops permanent canine teeth, or within thirty days after the dog is brought into Hood River County. Thereafter, the dog shall be licensed from year to year. (Ord. 123 § 5.1, 1983; Ord 246, §17, 2003)

6.20.020 License fees.

The license fee charged for the yearly license shall be based on a fee structure as annually established under the County Fee Schedule with the

following exceptions:

1. If a dog is taxed as inventory pursuant to ORS 307.400, a fee shall not be charged for the issuance of a license for the dog.

2. Any dog owned by a deaf or blind person and used as a service or guide dog shall be licensed as required but no license fee shall be required for:

a. Any dog that meets the definition of an “assistance” animal as defined by ORS 346.680; or

b. Any dog in training to be an “assistance animal” as defined by ORS 346.680, that is affiliated with a recognized organization for the training or placement of assistance animals. (Ord 239, 2002; Ord 246, § 18, 2003)

6.20.030 Rabies inoculations and certificate requirements.

It shall be the duty of the owner or keeper of any dog with permanent canine teeth or which is more than six months of age to have that dog vaccinated for rabies. No license shall be issued for any dog, unless the applicant exhibits a certificate of such vaccination by a veterinarian. The certificate of inoculation must demonstrate that such vaccination is valid for immunity against rabies for not less than ten full months of the licensing period. However, if a veterinarian certifies to some physical condition of a dog which would prevent such inoculation for any period, no inoculation shall be required for the dog for that period, and a

license may be issued for that dog.
(Ord. 123 § 5.3, 1983)

6.20.040 Late license fees.

Any owner or keeper of a dog who fails to procure or pay for a license within the time limits required by this title in any year shall pay a delinquent payment for such failure, provided that in the case of a kennel, the failure to procure a valid license as required shall subject that kennel to a delinquent license fee for each dog on the premises at that date of the violation if the dogs are not otherwise exempt from this title. Such fee shall be in addition to the regular license fee paid at the time of the issuance of the license or licenses. (Ord 239, 2002.)

6.20.050 License tag.

Upon payment of the fees required under this chapter, the county shall issue to the owner of the dog a license tag suitable for attachment to the dog's collar and the owner of the dog shall attach the license tag to a collar on the dog and keep it on the dog at all times. (Ord. 123, 1983)

6.20.060 Lost license tags.

If a license tag is lost, the owner may secure a duplicate license tag from the county upon satisfactory proof of loss and payment of a fee. (Ord 239, 2002.)

6.20.070 License tag transfer.

If the ownership of a dog which is currently licensed under Section

6.20.050 changes, the new owner of the dog shall secure from the county a transfer of the license tag for a fee. (Ord 239, 2002.)

6.20.080 License fees are not penalties.

The fees specified under this chapter are in addition to any penalties prescribed in this title for owing or keeping a dog without a license. (Ord. 123, § 5.9, 1983).

**Chapter 6.24
IMPOUNDMENT AND
DISPOSITION OF
IMPOUNDED DOGS**

6.24.010 County dog facilities.

6.24.020 When an animal may be impounded.

6.24.030 When an animal is deemed to be impounded.

6.24.040 Immediate destruction of an impounded animal.

6.24.050 Notice of impoundment.

6.24.060 Period of impoundment.

6.24.070 Determination of impoundment period.

6.24.080 Disposition of animals given to the county by owner.

6.24.090 Disposition of impounded dogs.

6.24.100 Redemption.

6.24.010 County dog facilities.

The Hood River County sheriff shall provide for an adequate facility to receive, care for and safely confine any animal delivered to its custody under the provisions of this title (Ord. 123, § 6.1, 1983)

6.24.020 When an animal may be impounded.

Any animal may be impounded and held at the county facility, when it is the subject of a violation of this title, when an animal requires protective custody and care because of mistreatment or neglect by its owner, or when otherwise ordered impounded by the court. (Ord. 123, § 6.2, 1983)

6.24.030 When an animal is deemed impounded.

An animal is deemed to be impounded from the time the Hood River County sheriff or any peace officer takes custody of the animal. (Ord. 123, §6.3, 1983)

6.24.040 Immediate destruction of an impounded animal.

Any animal which has been impounded under this title which, by reason of injury, disease or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed forthwith. The Hood River County sheriff may request a veterinarian to certify this fact in writing before such immediate destruction is undertaken. (Ord. 123, §6.4, 1983)

6.24.050 Notice of impoundment.

Whenever any dog is impounded which bears an identification of ownership, the Hood River County sheriff shall make reasonable efforts to give notice of the impoundment of the animal to its owner by telephone and, if unsuccessful, shall mail written notice by certified mail to the last address of record of the owner, advising of the impoundment, the date by which redemption must be made and the fees to be paid prior to redemption and release. (Ord. 123, § 6.5, 1983)

6.24.060 Period of impoundment.

A. Dogs with evidence of ownership, by a license issued by Hood River County or some other authorized government entity, shall be redeemed within five days after notice of impoundment is mailed, otherwise such dog may be disposed of, consistent with the manner prescribed by this title.

B. Dogs with no evidence of ownership shall be held in impoundment for a minimum of three consecutive days unless sooner reclaimed by their owner. If the dog is not reclaimed after the minimum holding period, the dog may be disposed of, consistent with the manner prescribed by this title.

C. Notwithstanding the above, if a dog has been impounded because it

has either bitten a person and does not have a vaccination which is valid for immunity against rabies, or because a dog is suspected of rabies, such dog shall be kept in impoundment and quarantined for such period of time as is necessary to observe the dog for the required ten day quarantine period in order to determine whether the dog is infected with or otherwise carries rabies. (Ord.123, § 6.6.,1983)

6.24.070 Determination of impoundment period.

Any period of time specified in this title for the keeping of an impounded dog shall not include Saturdays, Sundays and holidays recognized by Hood River County. (Ord. 123, § 6.7, 1983)

6.24.080 Disposition of animals given to the county by owner.

Any dog given to the Hood River County sheriff by the owner thereof or his authorized representative for disposal may be disposed of in a manner consistent with this title, provided, that a release by the owner or his authorized representative has been given in writing to the Hood River County sheriff for such disposal. (Ord. 123, § 6.8, 1983)

6.24.090 Disposition of impounded dogs.

Upon the expiration of the impoundment period specified in this title, the Hood River County sheriff

may have the dog destroyed by humane euthanasia, sold or made available for adoption, provided, however, that no impounded dog may be sold for medical research. (Ord. 123, § 6.9, 1983; Ord 246, § 20, 2003)

6.24.100 Redemption.

A dog impounded pursuant to this title shall be released to the owner thereof upon payment of the appropriate redemption fees set forth in the County Fee Schedule. Those fees shall include a basic impoundment charge and any boarding charges if applicable.

A. In addition to the basic impoundment charges, a reasonable daily boarding charge shall be levied on an owner redeeming a dog after that dog has been impounded pursuant to this title.

B. If the animal is unlicensed at the time of impoundment, a new license must be purchased by the owner and an appropriate inoculation certificate must be produced within thirty days after the dog is released to the party by the Hood River County sheriff. Failure of the party to license the dog or produce an appropriate inoculation certificate shall subject the owner to liability under subsections 4 and 5 of Section 6.16.010. (Ord. 123, § 6.10, 1983; Ord 239, 2002).

**CHAPTER 6.28
DISPOSITION OF LICENSE
FEES AND FINES**

6.28.010 Dog control fund.

6.28.020 Administration of dog control fund.

6.28.010 Dog control fund.

All license fees, impoundment costs, late charges, fines, and any other moneys paid pursuant to this title shall be paid over to Hood River County and deposited in the dog control fund unless otherwise provided in this title.(Ord 123, § 7.1, (1983)

6.28.020 Administration of dog control fund.

The director of the Hood River County department of budget and finance shall administer the dog control fund and pay out of the fund the cost involved in administering and enforcing this title and all livestock claims allowed pursuant to this title. If, at the end of the fiscal year, any money in the fund is determined by the Hood River County board of commissioners to be in excess of the requirements of the dog control fund, the money may be transferred and placed in the general fund of the county. (Ord. 123, § 7.2, 1983)

Chapter 6.32

BITING ANIMALS - RABIES CONTROL

6.32.010 Impoundment of certain animals.

6.32.020 Suspicion of rabies.

6.32.030 Quarantine - Defined.

6.32.040 Quarantine - When required.

6.32.050 Report to health officer.

6.32.060 Rabies outbreak.

6.32.010 Impoundment of certain animals.

Whenever any animal that is susceptible to rabies bites any person and that animal has not had a valid and effective rabies inoculation as required by state law, or when an animal is suspected of rabies, the Hood River County sheriff shall apprehend and impound that animal and hold it in quarantine in a suitable holding facility for a period of ten days. During this impoundment, the animal shall be quarantined and studied to determine whether or not the animal is rabid. At the expiration of the ten day period, the animal shall be released to the owner thereof, if known, provided no citation has been issued pursuant to this title. Otherwise, the animal shall be disposed of as provided in Chapter 6.24. (Ord. 123, § 8.1, 1983)

6.32.020 Suspicion of rabies.

The Hood River County sheriff shall suspect an animal of having rabies when it has bitten a person but is not known to be satisfactorily vaccinated against rabies as specified in the Administrative Rules of the Oregon Health Authority. (Ord. 123, (Addendum I), 1983)

6.32.030 Quarantine Defined.

"Quarantine" means the isolation

and secure restraint of a specific animal by means of a closed cage, a secure fenced in area, or a pound or other approved building or facility affording such security from any other animal or person, as determined by the Hood River County Sheriff or his designee. (Ord. 123, (Addendum II), 1983)

6.32.040 Quarantine - When required.

After having bitten any person, any animal suspected of rabies or having been in close contact with an animal suspected of having rabies, shall be quarantined, as defined in Section 6.32.030, at the owner's expense, by the Hood River County sheriff or at his direction for a minimum of ten days commencing from the day of the alleged bite. The procedures followed during quarantine shall be in accordance with state law. (Ord. 123, (Addendum I1I), 1983)

6.32.050 Report to Health Officer.

Whenever an animal that is susceptible to rabies bites any person, whether or not that animal is suspected of rabies or suspected of having been in close contact with an animal suspected of having rabies, the facts shall be immediately reported by the Hood River County sheriff to the Hood River County Health Department. The procedures followed by the Health Officer with respect to said animal shall be in accordance with state law. (Ord. 123, (Addendum IV),

1983)

6.32.060 Prohibited conduct.

It shall be a violation of this title for any owner or keeper of any animal which has bitten a person when that animal has not been effectively inoculated against rabies, to refuse to surrender that animal to the Hood River County sheriff when the Hood River County sheriff makes demand upon that individual for the surrender of that animal. It shall be a violation of this title for the owner or keeper of any quarantined animal to allow that animal to leave the confines of a prescribed quarantine area for any reason or otherwise violate the conditions of quarantine.

6.32.070 Rabies outbreak.

In the event of a rabies outbreak within Hood River County, the Hood River County sheriff shall be empowered to use such portions of the dog control fund as he deems necessary to purchase rabies vaccines for administering to animals under the direction of state and local health officers. (Ord. 123, § 8.3, 1983)

Chapter 6.36 LIVESTOCK CLAIMS

6.36.010 Submission of claims.

The owner of any livestock, ducks, geese or rabbits killed by any dog may, within ten days after the occurrence of killing, or when it becomes known to him, present to the Hood River County

administrative assistant a verified statement containing a full account of such killing, stating in detail the amount of damage claimed on account thereof, and the name and address of the owner or keeper of the dog, if known. Upon receipt of the claim, the administrative assistant will submit it to the board of commissioners to be heard at the commissioner's first regular session thereafter. (Ord. 123, § 9.1, 1983)

6.36.020 Review of claims.

The Hood River County board of commissioners shall review all livestock claims submitted and shall allow or deny any portion thereof as it deems just, not to exceed one thousand dollars (\$1,000.00). In the event the commission does allow all or any part of a livestock claim, the claim shall be paid out of the dog control fund in return for a subrogation agreement allowing the Hood River County Counsel to seek damages against the owner of the dog for the amount paid out of the dog control fund. The Hood River County sheriff shall prepare forms for the submission of livestock claims and make the same available to the general public. Any moneys collected by the County Counsel pursuant to this section shall, after deduction for the costs of prosecution, be paid into the dog control fund. The County Counsel shall have full discretion to prosecute, not prosecute, compromise or settle any action arising out of this section. (Ord. 123, § 9.2,

1983; Ord 246, § 21, 2003)

**Chapter 6.40
ENFORCEMENT
PROCEDURES**

- 6.40.010 Manner of citation.**
- 6.40.020 Uniform dog control citation.**
- 6.40.030 Amendment of uniform dog control citation.**
- 6.40.040 Time to raise errors on citation.**
- 6.40.050 Certification of uniform dog control citation.**
- 6.40.060 Service of citation.**
- 6.40.070 Appearance by defendant.**
- 6.40.080 Failure of defendant to appear.**
- 6.40.090 Impoundment of animals violating this title.**
- 6.40.100 Continuing violation.**
- 6.40.110 Jurisdiction.**

6.40.010 Manner of citation.

A uniform dog control citation, conforming to the requirements of the section shall be used for all dog control violations committed in the presence of the complainant and which occur within the areas of Hood River County which are covered by this title. (Ord. 123, § 12.1, 1983)

6.40.020 Uniform dog control citation.

A. The uniform dog control citation shall consist of three parts and such

additional parts as may be inserted for administrative use. The required parts are as follows:

1. Complaint;
 2. Hood River County sheriffs record of the violation;
 3. Summons.
- B. Each of the parts shall contain the following information or blanks in which the information shall be entered:
1. Name of the court;
 2. Name of the person cited;
 3. Section of the dog control ordinance violated;
 4. Brief description of the violation with which the person is charged, in such a manner as can readily be understood by a person making a reasonable effort to do so;
 5. The date, time and place at which the violation occurred.
 6. The date on which the citation was issued.
 7. The name of the complainant.
 8. The time and place set for the defendant to appear in court.
- C. Each of the parts may also contain such identifying and additional information as may be necessary or appropriate for the Hood River County Sheriff to administer this title. (Ord. 123, § 12.2, 1983; Ord 246, § 22, 2003)

6.40.030 Amendment of uniform dog control citation.

Any error in transcribing the information in the blanks provided on the uniform dog control citation form, when determined by the court to be non-prejudicial to the defendant, may

be corrected at the time of trial or prior to trial, with notice being given to the defendant. (Ord. 123, § 12.3, 1983)

6.40.040 Time to raise errors on citation.

Except as provided in Section 6.40.030, the complaint shall be set aside by the court only upon the motion of the defendant before plea if it does not conform to the requirements of this chapter.

6.40.050 Certification of uniform dog control citation

The citation shall contain a form of certificate to the effect wherein the citing officer has reasonable grounds to believe and does believe that the person cited committed the offense contrary to law. (Ord. 123, § 12.5, 1983; Ord 239, 2002; Ord 246, § 23, 2003)

6.40.060 Service of citation.

The Hood River County sheriff or a city police officer issuing the citation shall cause the summons to be delivered to the person cited and shall cause the complaint to be delivered to the court. (Ord. 123, § 12.6, 1983; Ord 239, 2002; Ord 246, § 24, 2003)

6.40.070 Appearance by defendant.

A. The defendant shall appear in court at the time mentioned in the summons if the citation is for owning a dog not vaccinated for rabies or if the citation is for allowing a dog to engage in vicious

or dangerous behavior or for failing to comply with the requirements set forth in a judgment regarding the keeping of a vicious or dangerous dog.

B. In other cases, the defendant shall either appear in court at the time indicated in the summons or, prior to such time, shall deliver the summons to the court, together with a check or money order in the amount of the bail set forth in the summons enclosing therewith:

1. A request for hearing; or
2. A statement of explanation or mitigation of the offense charged; or
3. The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea. (Ord. 123, § 12.7, 1983)

6.40.080 Failure of defendant to appear.

A. If the defendant fails to comply with Section 6.40.070 or fails to appear at any time fixed by the court, a warrant for his arrest may be issued.

B. If the defendant fails to appear at any time fixed by the court and has posted bail, the court may order a forfeiture of that bail. No warrant of arrest may be issued pursuant to subsection A after a period of sixty days from the date of the entry of an order declaring a forfeiture of bail or other security given by the arrested person. Unless a warrant has been

issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case and shall be deemed a conviction of the offense charged in the citation. (Ord. 123, § 12.8, 1983)

6.40.090 Impoundment of animals violating this title.

In addition to issuing a citation provided for in this chapter, the Hood River County sheriff may also impound the dog or the animal involved in a violation of this title in all cases where the owner or keeper of the animal is not available to assume custody and control over it. Further, in all cases where the animal is in violation of the sections of this title providing for rabies control or allowing a dog to engage in vicious or dangerous behavior, the animal shall be impounded regardless of whether the owner is available to assume control of the animal. (Ord. 123, § 12.9, 1983)

6.40.100 Continuing violation.

A continuing violation of this title shall constitute a nuisance and may be abated pursuant to the Hood River County Nuisance Code. (Ord. 123, § 12.10, 1983)

6.40.110 Jurisdiction.

The Circuit Court of the State of Oregon for Hood River County and the justice court of the State of Oregon for Hood River County shall have jurisdiction to enforce the provisions of this title. (Ord. 128, 1984; Ord. 123,

§ 11.11, 1983)

**Chapter 6.44
PENALTIES**

- 6.44.010 Amount of fine.**
- 6.44.020 Each day deemed separate offense.**
- 6.44.030 Impoundment and destruction of certain dogs.**
- 6.44.040 Additional fines.**
- 6.44.050 Fines additional to licensing and maintenance**
- 6.44.060 Restitution**
- 6.44.070 Mediation**

6.44.010 Amount of fine.

Upon conviction of any person for violation of any provision of this title, he shall be punished by a fine of not more than five hundred dollars. (Ord. 123, § 13.1, 1983)

6.44.020 Each day deemed separate offense.

Each day a person shall be in violation of this title shall be deemed a separate offense. (Ord. 123, § 13.2, 1983)

6.44.030 Impoundment and destruction of certain dogs.

In addition to any penalty imposed as provided by Section 6.44.010, a court may order the impoundment and destruction of any dog found to be vicious or dangerous. (Ord. 123, § 13.3,

1983)

6.44.040 Additional fines.

Upon conviction of any person for failing to appear as required by Section 6.40.070 without due and good cause, he shall be punished by a fine in addition to the fine and costs of the violation for which he failed to appear and such additional fines shall not be less than twice the amount of bail for the violation for which the person was to be tried. (Ord. 130, § 10(0), 1984; Ord. 123, § 13.6, 1983)

6.44.050 Fines additional to licensing and maintenance charges.

The penalties described in this chapter shall be in addition to any charges assessed against the owner or the keeper of any animal under this title for the licensing, impoundment, and maintenance of the animal. (Ord. 123, § 13.7, 1983)

6.44.060 Restitution.

In addition to penalties otherwise provided, the court shall, upon conviction, have the authority to require the defendant to pay to the victim or the owner of the victim a sum for restitution. (Ord 246, § 25, 2003)

6.44.070 Mediation.

In addition to, or as an alternative to, relief granted under chapter 6.44, the court may require the defendant to participate in a program of mediation

approved by the court.” (Ord 246, §
26, 2003)