

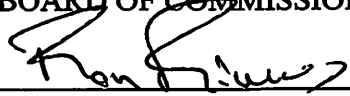
BEFORE THE BOARD OF COMMISSIONERS
HOOD RIVER COUNTY, OREGON

IN THE MATTER OF REPEAL AND)
REPLACEMENT OF ORDINANCE NO. 305) ORDINANCE NO. 355
ADDRESSING DOG CONTROL)

IT IS HEREBY ORDAINED that Hood River County Ordinance No. 305, 2011, addressing Dog Control is REPEALED and REPLACED as set forth in the attached exhibit and adopted as Title 6 of the Hood River County Code.

ADOPTED this 16th day of October, 2017.

HOOD RIVER COUNTY
BOARD OF COMMISSIONERS



Ron Rivers, Chair



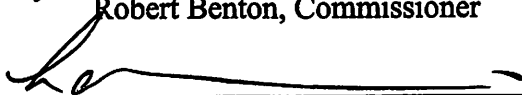
Karen Joplin, Commissioner



Rich McBride, Commissioner



Robert Benton, Commissioner



Les Perkins, Commissioner

HOOD RIVER COUNTY CODE

TITLE 6

ANIMAL CONTROL

CHAPTERS:

- 6.04 ADMINISTRATION
- 6.16 PROHIBITED CONDUCT
- 6.20 LICENSING OF DOGS
- 6.24 IMPOUNDMENT AND DISPOSITION OF IMPOUNDED DOGS
- 6.28 DISPOSITION OF LICENSE FEES AND FINES
- 6.32 RABIES CONTROL
- 6.36 LIVESTOCK CLAIMS
- 6.40 ENFORCEMENT

CHAPTER 6.04 ADMINISTRATION

SECTIONS:

- 6.04.015 DEFINITIONS.
- 6.04.025 POLICY; PURPOSE.
- 6.04.035 JURISDICTION.
- 6.06.045 SHERIFF.
- 6.06.055 ANIMAL CONTROL OFFICERS.
- 6.06.065 INTERGOVERNMENTAL AGREEMENTS

6.04.015 DEFINITIONS.

As used in this title, the terms defined in this chapter shall have the following defined meanings unless the context requires otherwise:

- (1) "Animal" means any mammal, bird, reptile, or amphibian.
- (2) "Animal Control Officer" means any person duly designated as such by the Hood River County Sheriff.
- (3) "Designated public off-leash area" means any area formally designated by the County, a municipality, or the Hood River Valley Parks & Recreation District for off-leash canine play and

recreation. This chapter shall not preempt rules adopted by the designating body for the regulation of a designated public off-leash area.

- (4) "Dog" means any mammal of the canine family.
- (5) "Dog at large" means a dog that is:
 - (a) Not on premises of, either
 - (i) Private property which the dog's owner or keeper has the right or permission to occupy; or
 - (ii) A designated public off-leash area.
 - And
 - (b) Is not:
 - (i) Restrained by a tether (e.g. leash, rope, chain); or
 - (ii) Under the immediate control and command of its owner or keeper.
- (6) "Dog license" means that license issued annually for each individual dog pursuant to this title.
- (7) "Sheriff" means the duly elected Sheriff of Hood River County, his deputies or designees.
- (8) "Livestock" means horses, mules, jackasses, cattle, sheep, goats, swine, chickens, turkeys, ducks, geese or rabbits and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages or hutches.
- (9) "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.
- (10) "Owner" or "keeper" means any person who keeps, has custody of, possesses, harbors, or exercises control over a dog or other animal, except veterinary hospitals as defined in this chapter. In a family situation, the head of the household is presumed to be the owner or keeper.
- (11) "Person" means an individual, a partnership, association, corporation or any other legal entity.
- (12) "Canine nuisance" means a dog does any of the following:
 - (a) Bites or menaces a person;
 - (b) Chases vehicles, or persons, livestock, or domestic pets; except where chasing another dog within a designated public off-leash area;
 - (c) Injures or kills any person, domestic animal or livestock;

- (d) Damages or destroys the property of persons other than the owner of the dog;
 - (e) Trespasses on private property of persons other than the owner of the dog;
 - (f) Disturbs any person by frequent or prolonged noises;
 - (g) Is a female in heat and at large;
 - (h) Scatters garbage on any property not the exclusive property of the keeper of the dog;
 - (i) Deposits animal waste of any property not the property of the owner or keeper or within a designated public "off leash" area.
- (13) "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.
- (14) "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.
- (15) "Vicious or dangerous dog" means any dog which bites a human being or a domestic animal, or which demonstrates menacing behavior toward human beings or domestic animals. However, an animal shall not be deemed vicious if it (a) bites, attacks or menaces a trespasser on the property of its owner or (b) harms or menaces anyone who has tormented or abused it.
- (16) "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.
- (17) "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.
- (18) "Finance Director" means the director of the Hood River County Department of Finance.
- (19) "Quarantine" means the isolation and restraint of an animal within a cage, fence or similarly secure location.
- (20) "Rabies-susceptible animal" means dogs and cats as well as other mammalian species considered by the U.S. Centers for Disease Control to be significant reservoirs of rabies virus infection in the United States, including but not limited to raccoons, skunks, foxes, coyotes and bats.

6.04.025 POLICY; PURPOSE.

- (1) On June 26, 1979, the electors of Hood River County voted to prohibit dogs running at large. Pursuant to that vote and Oregon Revised Statutes (ORS) Chapter 609, the Board of Commissioners declared Hood River County to be a dog control district.
- (2) It is the policy of Hood River County to: (a) license and regulate dogs in a manner that protects the health, safety and welfare of its residents and visitors; (b) recognize the property rights of dog owners and nonowners alike; and (c) to provide for proper control and protection of dogs.
- (3) The purpose of this title is to (a) implement the policy described in sub-section (2), (b) establish rabies controls and (c) to provide restitution for livestock killed by dogs.

(Ord. 355, 2017)

6.04.035 JURISDICTION.

This title shall apply to all unincorporated areas of Hood River County and within all municipalities which, by ordinance, resolution or operation of law have acceded to its application.

(Ord. 355, 2017)

6.04.045 SHERIFF.

The Hood River County Sheriff shall have authority to:

- (1) Enforce and administer the provisions of this title;
- (2) Designate civil "animal control officers" as authorized under section 6.12.025.

(Ord. 355, 2017)

6.04.045 ANIMAL CONTROL OFFICERS.

- (1) Animal control officers designated by the Sheriff to administer and enforce the provisions of this title shall be deemed "civil enforcement officers" under HRC Chapter 1.08 and may serve without being licensed peace officers under state law.
- (2) Animal Control Officers shall have the authority to:
 - (a) Enforce the provisions of this title relating to licensing and impounding dogs;
 - (b) Impound and keep safely any dog:
 - (i) found engaging in prohibited acts;
 - (ii) is apparently abandoned; or
 - (iii) as required by the County Health Department.

- (c) Issue citations;
- (d) Investigate and prosecute violations;
- (e) Investigate the killing of livestock by dogs;
- (3) Enter upon private property to impound an animal without being subject to civil or criminal trespass.
- (4) Deputy Sheriffs and municipal police officers, where applicable, shall have concurrent authority to enforce the provisions of this title.

(Ord. 355, 2017)

6.04.055 INTERGOVERNMENTAL AGREEMENTS.

- (1) The County may contract to provide animal control services to local municipalities provided the municipality has:
 - (a) Adopted the provisions of this title; or
 - (b) Otherwise formally acceded to the application of this title within the municipality.
- (2) Contracts under this section may provide for sharing revenue generated by the application and enforcement of this title.

(Ord. 355, 2017)

CHAPTER 6.16 PROHIBITED CONDUCT

SECTIONS:

- 6.16.015 VIOLATIONS: DOG OWNERS AND KEEPERS.**
- 6.16.025 DEFENSES.**
- 6.16.035 HINDERING IMPOUNDMENT.**
- 6.16.045 KEEPING WOLVES.**

6.16.015 VIOLATIONS: DOG OWNERS AND KEEPERS.

- (1) No dog owner or keeper shall:
 - (a) Permit a dog to run at large;
 - (b) Permit a canine nuisance;
 - (c) Keep a dog without a license attached to its collar;
 - (d) Keep an unlicensed dog;

- (e) Keep a dog which has not received its rabies inoculation as required by Oregon State law;
 - (f) Leave a dog tethered and unattended on property not owned by the owner or keeper of the dog, except where kept in or upon a motor vehicle;
 - (g) Allow a dog to engage in vicious or dangerous behavior;
 - (h) Fail to comply with any judgment or administrative order pertaining to keeping a vicious or dangerous dog;
 - (i) 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;
 - (j) Permit any quarantined animal to leave the confines of any prescribed quarantine area or to fail to comply with any other condition of quarantine;
 - (k) Keep an animal in a condition that does not meet minimum standard of care.
- (2) Any Violation under this section is a Category II County violation.

(Ord. 355 2017)

6.16.025 DEFENSES.

It shall be a defense to an allegation of permitting a canine nuisance, to establish, by a preponderance of the evidence, that a dog alleged to have menaced, bitten or injured a person was, at the time of the alleged incident:

- (1) wrongfully assaulted or provoked by the alleged victim;
- (2) defending its owner, keeper or member of its household from assault or physical harassment by the alleged victim; or
- (3) defending premises occupied by its owner or keeper against an unlawful trespasser.

6.16.035 HINDERING IMPOUNDMENT.

- (1) No person shall hinder or otherwise interfere with the apprehension or impoundment of any dog by the Sheriff, animal control officer or peace officer.
- (2) Hindering impoundment of a dog under this section is a Category II County Violation.

(Ord. 355 2017)

6.16.045 KEEPING OF WOLVES PROHIBITED.

- (1) No person shall keep a wolf or wolf hybrid.
- (2) Unlawfully keeping a wolf under this section is a Category I County Violation.

(Ord. 355, 2017).

CHAPTER 6.20 LICENSING OF DOGS

SECTIONS:

- 6.20.015 DOG LICENSE; FEES.**
- 6.20.025 EXCEPTIONS**
- 6.20.035 RABIES INOCULATION AND CERTIFICATE.**
- 6.20.045 LICENSE TAG; REPLACEMENT; TRANSFER.**

6.20.015 DOG LICENSE; FEES.

- (1) Owners and keepers shall procure a license for any dog that has permanent canine teeth or which is more than six months of age.**
 - (a) Licenses under this section shall be procured or renewed within 30 days of:**
 - (i) The dog attaining 6 months of age;**
 - (ii) The dog developing permanent canine teeth;**
 - (iii) The dog's arrival in Hood River County; or**
 - (iv) The expiration of a prior annual license.**
 - (b) Licenses not attained or renewed within the specified time may be subject to an additional late fee.**
- (2) The County shall charge an annual fee to license dogs under this Section in an amount established under the Hood River County Fee Schedule.**
- (3) Fees established under this title are separate from and in addition to any applicable penalties.**

(Ord. 355, 2017)

6.20.025 EXCEPTIONS.

No license fee shall be charges for:

- (a) A dog that is taxed as inventory pursuant to ORS 307.400.**
- (b) "Assistance animals" as defined by ORS 346.680; or**
- (c) Dogs undergoing training to become assistance animals under ORS 346.680 through a recognized training and placement organization.**

(Ord. 355 2017)

6.20.035 RABIES INOCULATION AND CERTIFICATE.

- (1) No person shall keep a dog with permanent canine teeth, or older than 6 months of age, which has not been vaccinated for rabies.
- (2) Except as provided in sub-section (b), no license shall be issued for any dog absent a certificate of vaccination from a veterinarian.
 - (a) Except as provided in sub-section (b), certificates under this section shall state that the inoculation against rabies shall be valid for at least ten full months of the licensing period.
 - (b) A license may be issued absent inoculation, provided a veterinarian certifies that the dog has a physical condition which currently prevents inoculation.
(Ord. 355, 2017)

6.20.045 LICENSE TAG; REPLACEMENT; TRANSFER.

- (1) The county shall issue a tag, suitable for attachment to a dog collar, for each licensed dog.
- (2) License tags shall be attached to the dog's collar at all times.
- (3) Replacement tags may be issued upon proof of loss and payment of a replacement fee.
- (4) If ownership of a dog changes, the new owner may request transfer of the current license.

(Ord. 355, 2017)

CHAPTER 6.24 IMPOUNDMENT AND DISPOSITION OF IMPOUNDED DOGS

SECTIONS:

- 6.24.015 COUNTY DOG FACILITIES.
6.24.025 IMPOUNDMENT.
6.24.035 DESTRUCTION OF AN IMPOUNDED ANIMAL.
6.24.045 NOTICE OF IMPOUNDMENT.
6.24.055 PERIOD OF IMPOUNDMENT.
6.24.065 DISPOSITION OF ANIMALS GIVEN TO THE COUNTY BY OWNER.
6.24.075 DISPOSITION OF IMPOUNDED DOGS.
6.24.085 Redemption.

- 6.24.015 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. 355, 2017)

6.24.025 IMPOUNDMENT.

- (1) An animal may be impounded and held at the county facility provided:
 - (a) it is the subject of a violation of this title;
 - (b) it requires protective custody and care because of mistreatment or neglect; or
 - (c) impoundment is ordered by the court.
- (2) An animal is deemed to be impounded at the time the County takes custody of the animal.

(Ord. 355, 2017)

6.24.035 DESTRUCTION OF AN IMPOUNDED ANIMAL.

- (1) An animal impounded under this title which, due to injury, disease or other cause, is suffering great pain or is dangerous to keep impounded, may be destroyed forthwith.
- (2) The Sheriff may request that veterinarian certify in writing that, under the extent circumstances, destruction under sub-section (1) is warranted.

(Ord. 355, 2017)

6.24.045 NOTICE OF IMPOUNDMENT.

- (1) If an impounded dog bears identification of ownership, the Sheriff shall make reasonable efforts to notify the owner of the impoundment.
- (2) Notice to a dog owner under this section shall:
 - (a) be made by telephone and, if unsuccessful, by certified mail to the owner's last address of record;
 - (b) advise the owner of:
 - (i) the impoundment;
 - (ii) the date by which the dog must be redeemed; and
 - (iii) applicable fees and costs.

(Ord. 355, 2017)

6.24.055 PERIOD OF IMPOUNDMENT.

- (1) Except as provided in sub-section (3), upon receiving notice of impoundment, an owner must redeem the dog within five business days of:
 - (a) actual verbal notice; or
 - (b) the post-marked date of mailed notice.
- (2) Except as provided in sub-section (3), owners of dogs displaying no evidence of ownership must redeem their dogs within three business days of impoundment.
- (3) Dogs suspected of rabies infection shall be impounded and quarantined for such time necessary to adequately observe the dog to determine whether it is infected with or carries rabies.
- (4) Dogs not redeemed within the time provided under this section may be disposed of in accordance with HRCC 6.24.085.

{Ord. 355, 2017}

6.24.065 DISPOSITION OF ANIMALS GIVEN TO THE COUNTY BY OWNER.

An owner may request that a dog be disposed of in accordance with this title provided the request is in writing and bears the owner's signature.

{Ord. 355, 2017}

6.24.075 DISPOSITION OF IMPOUNDED DOGS.

- (1) Upon the expiration of the applicable impoundment period, the Sheriff may have an impounded dog made available for adoption or destroyed by humane euthanasia.
- (2) No dog impounded under this title shall be adopted or otherwise released for use in medical research.

{Ord. 355, 2017}

6.24.085 REDEMPTION.

- (1) A dog impounded pursuant to this title shall be released to its owner upon payment of all applicable fees, costs and penalties, including but not limited to:
 - (a) Impoundment and boarding fees;
 - (b) Veterinary expenses;
 - (c) Civil penalties; and
 - (d) License fees.
- (2) The owner of a dog that is unlicensed at the time of impoundment shall:

- (a) purchase a valid license prior to redeeming the dog; and
 - (b) provide a valid inoculation certificate to the Sheriff within thirty (30) days of reclamation.
- (3) Failure to provide a valid inoculation certificate within thirty days of reclamation is a Category III County violation.

(Ord. 355, 2017)

CHAPTER 6.28 DISPOSITION OF FEES AND CIVIL PENALTIES

SECTIONS:

6.28.015 DOG CONTROL FUND.

6.28.025 ADMINISTRATION OF DOG CONTROL FUND.

6.28.015 DOG CONTROL FUND.

All fees, costs, civil penalties and other funds collected by the County pursuant to this title shall be deposited in the dog control fund.

6.28.025 ADMINISTRATION OF DOG CONTROL FUND.

- (1) The Finance Director shall administer the dog control fund.
- (2) Money collected in the dog control fund may be used as follows:
 - (a) To pay for administering and enforcing this title;
 - (b) To pay livestock claims pursuant to Chapter 6.36; and
 - (c) To purchase and administer emergency rabies vaccinations to prevent or contain an outbreak.
- (3) Upon a determination that the money held in the dog control fund exceeds potential expenditures under sub-section (2), the Board may transfer any portion of such surplus to the county general fund.

(Ord. 355, 2017)

CHAPTER 6.32 RABIES CONTROL

SECTIONS:

6.32.015 RABIES CONTROL.

6.32.025 SUSPECT ANIMALS.

6.32.035 REPORT TO HEALTH DEPARTMENT.

6.32.045 HINDERING, VIOLATING QUARANTINE.

6.32.015 RABIES CONTROL.

- (1) The Hood River Health Department, as the Local Public Health Authority, shall administer the rules and regulations promulgated by the Oregon Health Authority relating to rabies control in Hood River County.
- (2) The Hood River County Sheriff shall have authority to quarantine any rabies-susceptible animal that has bitten a person and is:
 - (a) Not known to have been vaccinated against rabies, or
 - (b) Suspected of carrying the rabies virus.
- (3) An animal quarantined under this section shall be observed for no less than 10 days to determine if the animal is free from rabies.
- (4) A quarantined animal that is determined not to be infected with the rabies virus may be released to its owner at the end of the quarantine period. Otherwise, the animal may be disposed in accordance with HRCC Chapter 6.24.

(Ord. 355, 2017)

6.32.025 SUSPECT ANIMALS.

Any dog, cat or other rabies-susceptible animal that has bitten a human being shall be suspected of carrying rabies unless and until:

- (1) The County is provided proof of rabies inoculation.
- (2) The animal has undergone proper observation and medical diagnosis.

(Ord. 355, 2017)

6.32.035 REPORT TO HEALTH DEPARTMENT.

- (1) Any person with knowledge of a rabies-susceptible animal biting a human being shall immediately notify the County Health Department, regardless of the animal's suspected condition.
- (2) Upon report of a rabies-susceptible animal biting a human being, the County Health Officer shall implement procedures in accordance with state law.

(Ord. 355, 2017)

6.32.045 HINDERING, VIOLATING QUARANTINE.

- (1) No person shall refuse to surrender to the County any animal that has bitten a human being.
- (2) No person shall permit a quarantined animal to be outside the confines of the prescribed quarantine.
- (3) Hindering or Violating Quarantine is a Category II County Violation.

(Ord. 355, 2011)

CHAPTER 6.36 LIVESTOCK RESTITUTION CLAIMS

SECTIONS:

- 6.36.015 LIVESTOCK RESTITUTION CLAIMS.
- 6.36.025 PETITIONS.
- 6.36.035 PROCESS FOR REVIEW.
- 6.36.045 FINANCES; RECOVERY.

6.36.015 LIVESTOCK RESTITUTION CLAIMS.

- (1) If a livestock animal is killed by a dog that does not belong to (a) the livestock owner or (b) a person in the livestock owner's household, the livestock owner may petition the County for restitution from the Dog Control Fund.
- (2) Restitution under this section shall be limited to:
 - (a) Direct economic damages; and
 - (b) A maximum of \$1000 per incident.

(Ord. 355 2017)

6.36.025 PETITIONS.

- (1) Restitution claims under this section shall be initiated by submitting a completed petition to the County Administrator.
- (2) The Sheriff shall prepare, and make available to the public, forms for livestock restitution petitions.
- (3) Petitions under this section shall include the following information:

- (a) Name, address and phone number of the petitioner;
 - (b) The date of the incident causing the death of the livestock animal;
 - (c) All facts tending to establish or otherwise relevant to:
 - (i) the cause of death;
 - (ii) identification of the dog(s) responsible for the death.
 - (d) Names and addresses of any witnesses; and
 - (e) Identifying characteristics of the suspected dog(s).
 - (f) The name and address of the owner or keeper of the suspected dog(s), if known; and
 - (g) The bases for restitution, including a current price for replacement livestock.
 - (h) A formal assignment to the County of the claimant's right to seek or accept damages for any acts or omissions resulting in the death of the livestock.
- (4) Completed petitions shall be submitted within fifteen (15) days from the date of the incident causing the death of the livestock.

(Ord. 355 2017)

6.32.035 PROCESS FOR REVIEW.

- (1) The Board shall review all livestock restitution claims.
- (2) The review of livestock restitution claims shall be held:
 - (i) At a regularly-scheduled monthly meeting of the Board of Commissioners;
 - (ii) Within 60 days of the date the petition is filed.
- (3) The Board may consider:
 - (a) The petition;
 - (b) Written statement offered by the public in support or opposition to the petition;
 - (c) Investigation reports from animal control or peace officers, if any; and
 - (d) Any additional information the Board deems relevant.
- (4) The Board may allow or deny a livestock restitution claims, or portions thereof, as the Board finds just and appropriate.

(Ord. 355 2017)

6.36.045 FINANCES; RECOVERY.

- (1) Restitution ordered by the Board under 6.36.035 shall be paid from the dog control fund.
- (2) After reimbursement for the County's costs, money collected through an assignment under 6.36.025(3)(h) shall be paid to the dog control fund.
- (3) County counsel shall have full discretion to prosecute, not prosecute, compromise or settle any action arising from an assignment under 6.36.025(3)(h).

(Ord. 355 2017)

CHAPTER 6.40 ENFORCEMENT

SECTION:

6.44.015 VIOLATION; PENALTIES

6.44.015 VIOLATION; PENALTIES

- (1) Violations under this title shall be prosecuted in accordance with HRCC Chapter 1.08.
- (2) The County may adopt specific civil penalties for certain violations of this title in accordance with HRCC 1.08.175.

(Ord. 355, 2017)