

BE IT REMEMBERED, that at a regular term of the Board of Commissioners of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Joseph Building Annex in the City of La Grande, in said County and State, when were present:

The Honorable R. Matthew Scarfo, Chairman
Donna Beverage, Commissioner
Paul Anderes, Commissioner

WHEN, on Wednesday the 16th day of June, 2021, among others the following proceedings were had to wit:

UNION COUNTY ANIMAL CONTROL ORDINANCE NO. 2021-03

SECTION 1. PURPOSE OF THIS ORDINANCE

In order to remain current with ORS Chapter 609 and to reduce the number of ordinances on Dog Control in Union County, this ordinance will amend the October 5, 1977, ordinance establishing an Animal Control Ordinance to protect the health, safety and welfare of the people of Union County and to provide for control and the protection of dogs therein, Ordinance 1991-15, Ordinance 1993-10, Ordinance 1997-1, Ordinance 2004-5, In the Matter of a Dog Control District & Declaring an Emergency, and Ordinance 2014-03.

NOW THEREFORE, the Union County Board of Commissioners does hereby enact the following provisions, which may be referred to as Animal Control Ordinance 2021-03.

SECTION 2. DOG CONTROL DISTRICT

Pursuant to ORS 609.030 (4) the Union County Board of Commissioners will remain the governing body of the Union County Dog Control District, as established by Ordinance in Union County on October 5, 1977.

SECTION 3. ADVISORY COMMITTEE

Pursuant to Union County Resolution No. 82-5 as passed by the Union County Court on December 1, 1982, an advisory committee to advise the governing body of the Dog Control District on matters of animal control in Union County shall be appointed by the Union County Board of Commissioners by resolution. Committee size and areas of representation shall also be established by resolution of the Board of Commissioners.

SECTION 4. PROVISION OF ANIMAL CONTROL SERVICES

- (1) The Sheriff may issue licenses and enforce all of the county and state laws relating to the control of dogs/cats within the county, including that of making arrests.
- (2) The county governing body may provide for appointment of a Deputy Sheriff, under the Supervision of the County Sheriff, to perform the enforcement of this ordinance and all applicable state laws, and otherwise provide for administration and enforcement of a dog control program.
- (3) The county shall provide a shelter for homeless companion animals and those dogs or other animals impounded by the Sheriff or Deputy under this ordinance or applicable State Law.
- (4) The County is authorized to provide all or a portion of the above services through a contract with a licensed veterinarian, Blue Mountain Humane Association or similar entity.

SECTION 5. DEFINITIONS

- (1) **"Adult dog"** means any dog having a set of permanent teeth and/or over the age of six (6) months.
- (2) **"Animal Control Officer"** means the Animal Control Officer of the Union County Sheriff's Office or any police officer or other individual designated by the County that is charged with the enforcement of this Ordinance.
- (3) **"Animal Shelter or Shelter"** means any public or private organization, including the organization's officers, agents and representatives when acting in the name or on behalf of the organization, that controls, rescues, shelters, or cares for, animals as all or part of the purpose of the organization.
- (4) **"Cat"** means any animal which is classified as a Felis Catus.
- (5) **"Dog"** means any animal which is classified as Canis lupus familiaris.
- (6) **"Impounded"** means taken into custody by the Animal Control Officer.
- (7) **"Leash"** means a leather, cloth or rope device not more than eight (8) feet in length, or a flexi lead with a locking mechanism, by which a dog is physically controlled by the person accompanying it and which is of the strength to restrain the dog.
- (8) **"Livestock"** as defined by ORS 609.125
- (9) **"Keeper"** means any person owning, keeping, harboring, caring for, or otherwise has charge of or right of possession to one (1) or more dogs/cats. For purposes of determining responsibility for dogs/cats creating a nuisance, a dog/cat shall be deemed to be harbored and cared for if it is fed or sheltered for seven (7) consecutive days or more. If a person decides to keep a stray, a report of the finding of the dog/cat shall be made to the Sheriff and the Animal Shelter to allow the rightful owner to claim the dog/cat. If a dog is old enough to be licensed, it shall be licensed within thirty (30) days. In a household setting, and for the purposes of issuing a citation for a violation of this ordinance, the keeper of a dog may be either member of a marriage or domestic partnership; or the person whose name appears on a dog license registration, a rabies vaccination form; or lacking other means of determination, the owner or leaseholder of the property where the dog/cat is kept. A keeper is not defined as:
 - a. A humane society or other nonprofit animal shelter;
 - b. A facility impounding dogs on behalf of a city or county;
 - c. A veterinary facility;
 - d. A boarding kennel.
- (10) **"Menaces"** means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.
- (11) **"Restraint"** means any dog secured by a leash or under the control of its keeper or a capable person and obedient to the person's commands. Restraint may include a pet carrier or other device sufficient to keep the dog from running at large, or falling or jumping from a vehicle.

- (12) **"Running at large"** means that a dog(s) is off or outside of the premises from which the keeper(s) of the dog(s) may lawfully exclude others, or is not in the company of and under the control of its keeper(s), except if the dog(s) is:
- a. Being used to legally hunt, chase or tree wildlife while under the supervision of the keeper;
 - b. Being used to control or protect livestock or for other activities related to agriculture; or
 - c. Within any part of a vehicle.
- (13) **"Serious physical injury"** has the meaning given that term in ORS 161.015, physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.
- (14) **"Under Control"** means the voice, signal or physical control by a capable person so as to be restrained from approaching a bystander, from entering private property and from causing damage to property. A dog is presumed not to be under control if injury, damage or trespass occurs.

SECTION 6. DOG LICENSING A Certificate required for license; issuance of tag. Pursuant to ORS 609.100(1) every person keeping a dog that has a set of permanent canine teeth or is six months old shall procure a license for the dog by March 1 of every year or within 30 days after the person becomes keeper of the dog. The County incorporates ORS 609.100 in this ordinance.

- (1) The keeper of the animal shall present, in person or by mail, the rabies inoculation certificate, together with the license fee fixed by resolution to the Sheriff or Deputy, or entity designated by the County.
- (2) The Sheriff or Deputy, or designated entity shall, upon receipt of the fee and presentation of the certificate issue to the keeper a serial numbered tag legibly identifying it as a valid County dog license. The tag shall be designed for and shall be attached to a collar or harness which shall be worn by the dog for which the tag and certificate is issued at all times when off or outside the premises of the keeper. Whenever an original tag is lost, mutilated or destroyed the owner shall as soon as practical, return to the issuing entity for a replacement tag.
- (3) No one shall issue a license for a dog until that person has been shown a proper certification, or its equivalent, of a rabies inoculation.
- (4) Unexpired tags shall be honored in all counties when the animal is in transit or where the keeper has established a new residence. A keeper presenting an unexpired tag from another Oregon city or county to the Union County license issuing entity shall be given a Union County License, for the life of the original tag, at no charge.

SECTION 7. KENNEL LICENSING/REVOCATION/APPEAL

- (1) **"Kennel"** means a private residence with four (4) or more adult dogs kept primarily as companions, or a commercial operation such as breeding or boarding.
- (2) No person shall operate a kennel without first obtaining an annual license from the County. Fees shall be established by resolution of the Union County Board of Commissioners.

(3) License Procedure.

- a) Applicants must verify with the applicable city or county government whether or not land use approval is required for the desired kennel location.
- b) If land use approval is required by the city or county, the applicant must obtain such approval prior to submitting an application to the Sheriff's Office.
- c) Upon receipt of proof of any required land use approval and an application for a dog kennel license, the Sheriff or Deputy shall inspect the residence and kennel, and upon determination that the residence and kennel complies with all applicable provisions of this Ordinance and other applicable city, county, state, or federal laws, shall issue a license.
- d) The Sheriff's Office shall approve or deny a complete application made under this Ordinance within sixty (60) days of its receipt and the payment of the applicable fees, or the application shall be deemed approved for the current year, subject only to revocation as provided in this Ordinance.

(4) Display of License. Each dog in the kennel over the age of 6 months shall wear a license tag provided for in section 6.2 above. Each dog shall have a license form but the fee shall be the single fee set for kennels.

(5) Denial and Revocation of License. A kennel license required under this section may be denied or revoked for any of the following reasons:

- a. A failure to comply substantially with any provision of this Ordinance;
- b. Conviction of the keeper, or any person subject to his direction or control, for the violation of any provision of this Ordinance or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals; or
- c. Furnishing false information on the application for a license under this Ordinance.
- d. Denial of kennel request by the city where the dog owner resides.

(6) Appeal from Denial or Revocation of License. If an application for a kennel license is denied (for any reason other than C above) or approved subject to conditions, or revoked, the applicant may appeal the denial, conditional approval, or revocation to the Board of Commissioners no later than 15 days after the date of the decision by the Sheriff or Animal Control Officer. The Board shall provide a hearing for the applicant within 30 days of notice of appeal. Notice of hearing by the Board shall be mailed to the applicant by certified mail no later than 10 days prior to the hearing. A decision by the Board resulting from an appeal under this section shall be reviewable only as provided in ORS Chapter 34.

(7) Inspection. A kennel licensed under this Ordinance shall be subject to inspection by the Sheriff or Animal Control Officer at any reasonable time for the purpose of determining compliance with this Ordinance. The Sheriff or Animal Control Officer will have the right to inspect the area where the dogs are kept, as well as all records and other documents required to be kept by this Ordinance, upon giving reasonable notice to Keeper.

SECTION 8. RABIES CONTROL/POST BITE OBSERVATION

- (1) Report of dog bites; rules; handling and disposition of animals. This section incorporates the applicable sections found in ORS 609.090-093.**
- a. If a dog bites a person and the bite causes a break in the skin, or if a dog is suspected of rabies or has been in close contact with an animal suspected of rabies, the facts shall be immediately reported to the Sheriff or Deputy by any person having direct knowledge.

- b. Any dog, including dogs whose keepers are not residents of Union County, which has bitten any person, including the keeper of the dog, shall be impounded in Union County for ten (10) days. If the dog has a valid rabies vaccination and the keeper has a secure area, the dog may be impounded at the keeper's residence if that residence is in Union County and the Sheriff or Animal Control Officer can verify the keeper has a secure area on the premises. This determination will be made by the Sheriff or Deputy. If the dog does not have a valid rabies vaccination, the dog shall be impounded at the Animal Shelter or a veterinarian's office at the owner's expense. The Sheriff or Deputy shall consult with the local Health Department in cases where there are questions regarding impoundment of biting dogs. If the dog does not have a valid rabies vaccination, at the end of ten (10) days, if the dog shows no sign of rabies, the dog may be released to the keeper and the keeper will procure a rabies vaccination and license the dog within eight (8) days of the day of release. The owner will deposit \$50 with the Sheriff or Deputy (or Animal Shelter where the dog is held) which will be returned upon proof of compliance. If the dog is impounded at a veterinarian clinic, the dog shall be vaccinated for rabies prior to release, at the owner's expense; and the owner has three (3) business days to show proof of the rabies vaccination and license the dog.

(2) Procedure to force compliance.

- a. In the event of the refusal of the keeper or person in possession of a dog to comply with an order of the Sheriff or Deputy to impound the dog for observation after a bite, the Sheriff or Deputy may petition the Circuit Court of the county in which such animal is located for an order requiring such keeper or person to comply with such order.
- b. The petition shall be verified and shall set forth the facts relative to the refusal to comply with the order. A copy of the petition shall be served upon the keeper or person in possession of the animal in the manner provided for service of summons found in ORCP 7. Such keeper or person in possession shall appear and answer the petition at a time and place set by the court in an order, a copy of which shall be served with the petition, directing the defendant to appear at such time and place, and to then and there show cause, if any, why an order directing compliance with the order of the Sheriff or Deputy should not be granted. The time set by the court for the hearing to show cause shall be made with due regard for the circumstances of the person or persons who have been subjected to the bite of the dog and whose health or life may be in jeopardy.
- c. If the keeper or person in possession of the dog fails to appear or the court either with or without such appearance finds the allegations of the petition are true and the order of the Sheriff or Deputy is necessary under this ordinance or ORS 433.350, the court shall enter its order requiring the keeper or person in possession of such dog to comply with the order of the Sheriff or Deputy.
- d. The Sheriff of the county in which the animal is located shall execute such order by serving upon the keeper or person in possession a copy thereof duly certified to by the clerk of the Circuit Court and by enforcing the provisions thereof by taking the dog into custody.

(3) Report of rabies cases; quarantine.

- a. Whenever a case of animal rabies occurs, the fact shall be reported to the Director of Human Services and to the State Department of Agriculture immediately.

- b. The State Department of Agriculture in consultation with the Director of Human Services shall establish such quarantine under ORS Chapter 596 as the State Department of Agriculture and the Director of Human Services may deem necessary.
- c. The State Department of Agriculture and the Director of Human Services may contract with counties for the purpose of carrying out the provisions of ORS 433.350, 433.355 and subsection (2) of this section.

(4) Inoculation against rabies; rules; exception; costs.

- a. A dog that has permanent canine teeth or that is six months of age or older must be inoculated against rabies, unless specifically exempted by rule of the Department of Human Services or the State Department of Agriculture.
- b. Unless pursuant to conditions specified in ORS 430.357, any rules of the State Department of Agriculture or the Director of Human Services with respect to inoculation shall:
 - 1. Not apply to animals brought temporarily into the state for periods of less than 30 days but may require that the animals be kept under strict supervision by the keeper of the animals.
 - 2. Not apply to dogs or to any other animal specifically exempted from the inoculation requirement by rule of the Department of Human Services or the State Department of Agriculture.
- c. The costs of all such required inoculations shall be borne by the keeper of the animal.

SECTION 9. AT LARGE/PUBLIC NUISANCE DOGS

(1) Definitions:

- a. "**At Large**" means any dog(s) off the keeper's or custodian's premises, and not on a leash or under control as herein provided. Such dog(s) may be seized and impounded by the Sheriff or Deputy, or may be lawfully taken by any person and impounded in the Animal Shelter. The person must notify the Shelter staff of the owner's name and address, if known, and the location where the dog was found. This definition incorporates ORS 609.035(6) by reference herein.

(2) The prohibition shall not apply to dogs that are under control while engaged in one of the following:

- a. Lawful herding of farm animals;
- b. Lawful hunting activities;
- c. Lawful competition sanctioned by a nationally recognized body or a local chapter thereof; or
- d. Lawful training in preparation for such herding, hunting or competitive activities.

(3) "Public Nuisance" A dog is a public nuisance if it engages in any one or more of the below activities;

- a. Is found at large two or more times in a six month period;
- b. Damages the property of a person other than its keeper or custodian;
- c. Molests or intimidates pedestrians or passersby;

- d. Chases vehicles;
 - e. Makes disturbing noises, including, howling, barking or whining for 10 consecutive minutes or intermittent episodes lasting a minimum of 30 minutes which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. A person making a complaint must be willing to keep an accurate log of the disturbance and submit the log as required by the Sheriff's Office. If the barking is caused by the presence of predators, deer or other wildlife, the dog may or may not be a public nuisance; Barking that is caused by a person intentionally taunting the dog is not a public nuisance;
 - f. Causes unsanitary conditions in enclosures or surroundings where the dog is kept or harbored; causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;
 - g. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of dogs maintained;
 - h. Attacks livestock or companion animals not belonging to the dog's keeper;
 - i. Scatters garbage;
 - j. Is a female in heat and running at large. Every reasonable effort will be made to see that every female dog in heat is confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another dog except for planned breeding;
 - k. Any dog whose keeper allows or permits their animal to deposit excreta on public areas, recreation areas or on private property not belonging to the keeper;
 - l. Service Dogs, Herding Dogs and Police Dogs shall not be declared public nuisances pursuant to this Section if the behavior that would provide the basis for a declaration of public nuisance occurred while the dog was performing its duties as expected.
- (4) The keeper or custodian shall be personally liable for a dog that becomes a public nuisance and shall be financially liable for actions of his/her dog. A Court may order restitution from persons who have been convicted of a dog offense where damage or injury has occurred. Each day a nuisance exists may be an additional cause for a citation.
- (5) If a dog(s) is at large with other dogs and is acting in a manner found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal, livestock or person, such dog(s) may be seized and impounded by the Sheriff or Deputy.

SECTION 10. COMPLAINT PROCESS

Any person who has cause to believe a dog is being maintained as a public nuisance may complain, either orally or in writing by filling out an Animal Nuisance Complaint Form, to the Sheriff or Deputy. The complaint shall be considered sufficient cause for the Sheriff or Deputy to investigate the matter and determine if the keeper of the dog is in violation of this section or other sections of this Ordinance pertaining to nuisance.

SECTION 11. IMPOUNDMENT. Impoundment of at large or public nuisance dogs; notice to keeper; redeeming animal; disposition of animals. The County incorporates ORS 609.090 by reference herein.

- (1) Any dog in violation of this ordinance shall be apprehended and impounded.

- (2) All dogs apprehended and impounded under this section shall be held in adequate and sanitary pounds to be established or contracted for by the County.
- (3) All dogs so impounded shall be given proper care and maintenance.
- (4) Impounded dogs shall be released to keepers or custodians on presentation of proof of ownership, and proof that all appropriate fees have been paid. Any dog apprehended or turned into the Shelter for impoundment shall be held for a minimum of five (5) business days unless redeemed earlier by the keeper. Any dog wearing a collar with a valid license tag shall be held for a minimum of five (5) business days, and the Deputy or Shelter shall make a reasonable effort to contact the keeper. This effort shall be documented on the dog's paperwork. Any dog not redeemed during the required holding period shall be deemed to have been surrendered to the Animal Shelter for disposition.
- (5) If the keeper desires to redeem an animal impounded pursuant to this section or the animal is to be released to any other person as provided in subsection (4) of this section, and the dog does not have a valid rabies vaccination, the person shall post a \$50 deposit with the Shelter and obtain possession of the dog for the purpose of vaccinating the dog. The Shelter shall refund the deposit to a person who, on or before the eighth (8th) day after obtaining possession of the dog, demonstrates proof of rabies inoculation or exemption from the inoculation requirement and purchases a license as required by this Ordinance.
- (6) Any dog not redeemed during the required holding period shall be deemed to have been surrendered to the animal Shelter for disposition.
- (7) **Redemption.** A keeper reclaiming an impounded dog shall pay impoundment fees, board fees and license fees or deposits in accordance with a resolution adopted by the Union County Board of Commissioners. If the dog is required to be licensed, the fees shall be paid at the time of redemption, and the tag issued upon presentation of proof of rabies vaccination.
- (8) Seriously injured, diseased, or wild dogs need not be detained for the holding period, but with the concurrence of a veterinarian or Certified Euthanasia Technician may be disposed of in a humane manner at any time. If the dog is wearing a tag, the Shelter will attempt to contact the owner prior to euthanasia. Notwithstanding the provisions of any other portion of this Ordinance, any stray dog impounded for biting a person shall be held for not less than ten (10) days before redemption or destruction, to determine if the dog is rabid.
- (9) Any impounded dog, following the holding periods, and dogs voluntarily surrendered to the Shelter, shall be disposed of in a humane manner, or, at the discretion of the Shelter staff, may be held for a longer period to allow for adoption. No dogs shall be knowingly sold or given away by the County or its designee for the purposes of animal experimentation.
- (10) The Shelter may also be the holding facility for animals seized in Criminal Cases. This may include long term holds or livestock or other animals depending on the case.
- (11) All animals destroyed or disposed of under the terms of this ordinance shall be done so in accordance with ORS 609.405.

SECTION 12. ANIMAL CRUELTY - IN ADDITION TO ORS CHAPTER 167.305-390.

- (1) The following, singly or together, are deemed to constitute cruel treatment to animals. Therefore, it shall be unlawful for any person to:

- a. Tether, confine, or restrain any dog in such a way as to permit said dog to become frequently entangled in such tether, or render said dog incapable of consuming food or water provided for it. Tethering a dog must be in such a manner as to allow adequate space for freedom of movement necessary for extended periods of time; said tether to be not shorter than three (3) times the length of the dog measured from the tip of its nose to the base of its tail.
- b. Confine a dog within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well-being of the animal. Such conditions include, but are not limited to, dangerous temperature, lack of food or water, and confinement with an aggressive dog or other animal.
- c. Knowingly placing food of any description containing poisonous or other injurious ingredients in any location likely to be accessible to domesticated animals or livestock.

SECTION 13. ANIMAL ABANDONMENT

- (1) Abandonment is defined as leaving any animal in any place public or private without providing for the continued care of the animal and the needed food water and shelter or needed veterinary care. In the case of a dog impounded at the Animal Shelter as a stray by private citizen or law enforcement, a dog is presumed to be abandoned by its keeper if the keeper has been notified of the dog's impoundment and they have taken no affirmative action to redeem the dog for a period of five (5) business days from the date of notice of impoundment. If the keeper refuses to redeem or pay fees for the dog, or make other arrangements for the long term care of the dog the keeper may be cited for abandonment and the dog will be placed for adoption after five (5) business days.

SECTION 14. IDENTIFICATION AND CLASSIFICATION OF DANGEROUS OR AGGRESSIVE DOGS. The definitions in this section shall be applicable to this entire Ordinance.

- (1) **Aggressive - Level 1:** Any dog which, while at large or secured in such a manner as to reach public or private property not belonging to the dog keeper, or secured in such a manner as to interfere with a legal right of entry to the dog keeper's property may be classed as an Aggressive Level One dog if the dog does chase, menace, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or, while at large, threaten or cause injury to any domestic animal.
- (2) **Aggressive - Level 2:** Any dog which, while at large or secured in such a manner as to reach public or private property not belonging to the dog keeper, or secured in such a manner as to interfere with a legal right of entry to the dog keeper's property may be classed as an Aggressive Level Two dog if the dog does aggressively bite or cause physical injury to any person, or while at large kills any domestic animal.
- (3) **Dangerous:** This section is subject to and incorporates the provisions of ORS 609.098. A dog shall be classified as Dangerous if, whether or not confined, causes physical injury or death to a person; or is used in the commission of a crime; or is an Aggressive Level 2 dog that repeats the behavior after the keeper is notified of the designation.
- (4) No dog shall be classified as dangerous or aggressive, even if the dog has engaged in these behaviors, upon a determination that the behavior was caused by abuse or torment of the dog, or criminal activity on the part of any victim.

- (5) No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of a peace officer.
- (6) A Deputy or the Sheriff shall determine whether any dog has engaged in the behaviors specified in Subsections 1, 2, and 3. The determination shall be based upon an investigation that includes observation of the dog's behavior by a Deputy or the Sheriff, or by other witnesses who personally observed the behavior. Observations must be in writing attesting to the observed behavior.

SECTION 15. NOTIFICATION TO KEEPER OF DANGEROUS OR AGGRESSIVE DOGS

- (1) The Sheriff's Deputy shall give the dog's keeper written notice by personal service, substitute service to another adult resident of the household, posting on the main entrance of the residence or certified mail that includes the following:
 - a. The dog's specific behavior. To include the date of the incident, the location of the incident and the name of the victim, if known.
 - b. The dog's dangerous or aggressive classification, the definitions from the ordinance and the conditions under which the dog must be kept.
 - c. **IMPORTANT: FAILURE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS UNDER SECTION 15 THROUGH 17 OF THE COUNTY ANIMAL CONTROL ORDINANCE 2021-03 WITHIN TEN (10) DAYS FROM THE NOTICE OF CLASSIFICATION SHALL RESULT IN THE CLASSIFICATION BEING FINAL.**

SECTION 16. REGULATION OF DANGEROUS OR AGGRESSIVE DOGS

- (1) **Aggressive - Level 1:** Dogs classified as Aggressive Level 1 shall be restrained at all times by a physical device or structure, in a manner that prevents the dog from reaching any public or private property not belonging to the dog keeper, and must be located so as not to interfere with the public's legal access to the keeper's property, whenever that dog is outside the keeper's home and not on a leash and under the control of a capable person.
 - a. The dog shall be licensed and the license renewed as required. Change of residence by keeper, or change of ownership of the dog, shall be reported to the Sheriff's Office. A new keeper shall be subject to the same restrictions for the dog as the original keeper.
- (2) **Aggressive - Level 2:** Dogs classified as Aggressive Level 2 shall be confined within a secure enclosure whenever the dog is not on a leash under control of a capable person, or inside the keeper's home. The secure enclosure must be located so as not to interfere with the public's legal access to the keeper's property.
 - a. The dog shall not be off the property unless it is restrained and under the control of the keeper.
 - b. The keeper shall purchase and post a "beware of dog" sign at all entrances to the property if the aggressive behavior involved humans.
 - c. The dog shall be licensed and the license renewed as required.
 - d. Change of residence by the keeper or change of ownership of the dog shall be reported to the Sheriff's Office. A new keeper shall be subject to the same restrictions as the original keeper of the dog.

- e. To ensure proper identification the dog shall be micro-chipped at the keeper's expense by a licensed veterinarian.
 - f. The dog shall be sterilized at the keeper's expense by a licensed veterinarian.
- (3) **Dangerous:** A dog classified as Dangerous shall be euthanized not less than ten (10) days after classification to allow for rabies observation, unless *an* appeal is filed by the dog's keeper and a deposit is made to hold the dog for the process.
- a. The dog shall be impounded upon receipt by the keeper by personal service of written notice of classification by the Sheriff's Office.
 - b. Where the subject dog has been impounded and an appeal has been filed, the keeper of the dog shall be required to post a deposit of \$500 at the time the appeal is requested towards the expense of sheltering the dog during the appeal process.
 - c. If the Sheriff's classification of the dog as Dangerous is upheld on appeal, the keeper shall be liable for the cost of the dog's impoundment and all fees incurred for sheltering and caring for the dog, including needed veterinary care. The amount shall be used from the deposit and any excess shall be returned to the keeper.
 - d. If the Sheriff's classification of Dangerous is reversed on appeal, the deposit shall be refunded to the keeper.
 - e. Failure to file an appeal as provided or unexcused failure of a party to appear at a duly scheduled hearing shall constitute a waiver by the party of any further appeal under the Ordinance. Upon entry of a waiver in the record, the last decision issued by the Sheriff shall become final.

SECTION 17. APPEAL PROCEDURES FOR AGGRESSIVE AND DANGEROUS DOGS

- (1) To appeal an Aggressive or Dangerous classification, the following requirements must be met:
 - a. Appeals must be made in writing to the Justice Court. Appeal requests may be mailed to the Union County Justice Court, 10605 Island Avenue, Island City, OR 97850.
 - b. A \$25 appeal fee must accompany the written request.
 - c. In all Dangerous Dog classification appeals, a \$500 deposit must also accompany the written request to cover the costs to shelter the dog during the appeal process.
 - d. The written appeal, the \$25 appeal fee, and the \$500 deposit for Dangerous Dog appeals must be received by the Justice Court within ten (10) days from the date of the Notice of Classification.
- (2) Pending appeal, the keeper shall comply with the restrictions specified in the Aggressive or Dangerous notice. Failure to comply with these restrictions shall be considered a violation of Section 16.
- (3) To appeal the decision of the Justice Court regarding a Dangerous dog classification, the keeper may file a Writ of Review with Circuit Court. All filing fees and regulations required by Circuit Court must be met in order to schedule the hearing.
- (4) The keeper can petition the Justice Court to have the Aggressive Level 1 and Level 2 classifications removed if no subsequent citations have been issued for the following times:

- a. Aggressive - Level 1: No citations or violations for six (6) months.
- b. Aggressive - Level 2: No citations or violations for one (1) year.

SECTION 18. COSTS OF INJURED ANIMALS OR CARCASS REMOVAL

- (1) If an injured dog requiring veterinary treatment is impounded by the Deputy or other person and the keeper can be clearly identified, the Sheriff shall have the authority to assess the costs of the veterinary treatment to the keeper. Any keeper refusing to pay such assessed costs may be cited for a violation of this Ordinance. If a Deputy or Sheriff is requested to remove a dead dog and the keeper can be clearly identified, the Sheriff shall have the authority to assess the costs of removal and disposal to the keeper; provided, however, that the cost of removal/disposal shall be reasonably commensurate with the actual costs and that a reasonable attempt be made to contact the dead dog's keeper prior to such removal or disposal.

SECTION 19. CAT OWNERSHIP

- (1) No person shall own or keep more than ten (10) cats over the age of four (4) months within Union County.

SECTION 20 .KEEPING OF WILD AND EXOTIC ANIMALS The keeping of wild and exotic animals shall be in accordance with Chapter 609.205-355 of the Oregon Revised Statutes.

- (1) In addition to all exotic animals, any canine or feline hybrid will be considered as exotic for the purposes of this Ordinance and shall be subject to all provisions in addition to any state or federal restrictions.
- (2) Canine hybrids may be licensed for the purpose of tracking and control, but issuance of a license does not imply that the hybrid is protected from rabies with a vaccination.
- (3) Hybrids which have bitten a person or another animal shall be taken into custody and shall be placed in observation or destroyed at the order of the County Health Officer, at the keeper's cost.
- (4) A keeper shall identify whether or not an animal is a hybrid, unless there is other evidence to the contrary such as the breeder of the animals stating that they are a hybrid, or other such proof, to the satisfaction of the Deputy or Sheriff. In the event of a dispute over an animal's breeding or genetic heritage, the safety of the public shall take precedence over the rights of the animal keeper.
- (5) Hybrids will not be adopted from the Animal Shelter. They will be humanely destroyed as soon as possible.

CoSECTION 21. ENFORCEMENT AND PENALTIES

- (1) The provisions of this Ordinance shall be enforced by the Union County Sheriff's Office. It shall be a violation of this Ordinance to interfere with a Deputy or Sheriff in the performance of his/her duties. All persons cited for a violation of this ordinance shall be heard in Justice Court.
- (2) Any keeper who is convicted more than three (3) times in one (1) year for a violation of dog at large or dog as a nuisance, may have an order entered by the Justice Court prohibiting the ownership of a dog or dogs for a period of one (1) year. Anyone who is convicted of a Failure to Comply on an Aggressive Level 2 dog more than once in a year may have an order entered by the Judge prohibiting the ownership of a dog or dogs for a period of three (3) years.
- (3) The Union County Justice Court may exercise authority designated under this Ordinance.

- (4) **Summons and Complaint.** The form used shall be the Uniform Traffic Citation as devised by the State of Oregon.
- (5) **Answer.** A person cited into Justice Court shall follow the procedures as detailed on the back of the summons and complaint to request a trial or pay the fine.
- (6) **Fines.** Fines for violations of the Union County Animal Control Ordinance shall be established by Resolution of the Union County Board of Commissioners.
- (7) **Review.** A defendant may appeal a final adverse ruling to the Union County Circuit Court within 30 days by Writ of Review as provided by ORS 34.010 through 34.100.

SECTION 22. CONFLICTING ORDINANCES. All other Ordinances of Union County that are in conflict are hereby repealed to the extent of such conflict.

First reading approved June 16, 2021.

Second reading and adoption June 30, 2021.



R. Matthew Scarfo, Chairman



Donna Beverage, Commissioner



Paul Anderes, Commissioner