REEL 64 PAGE 970

FILED
AT ____ O'CLOCK ____ M
SEP 14 1972
W. M. PENFOLD, Director of the Dept. of Records and Elections of Lane County
BY ____ DEPUTY

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE 19-72	)	AMENDING CHAPTER 5 OF THE LANE CODE

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

The Lane Code is hereby amended by substituting new pages as follows: 5.165-5.190 for page 5.165-5.190, 5.190-5.205 for page 5.190-5.205. The described revised pages are attached hereto and incorporated herein by reference. The purpose of this amendment is to clarify the definition of dogs at large and to clarify when owners become liable for impound fees.

ENACTED this 13th day of September, 1972.

Wm. E. Oakfield
Chairman of the Board of County Commissioners of Lane County

APPROVED AS TO FORM
DATE 8/30/72
OFFICE OF COUNTY COUNSEL

Ruby Winther
Recording Secretary of the Board at the meeting at which this Ordinance was enacted

5.055 Employee Misconduct. The Hearing Officer shall report to the director any evidence or allegations of misconduct or negligence by county employees which, in the hearing officer's opinion, are substantially based on fact. A copy of the report shall also be sent to the employee involved.

5.060 Enforcement. Forfeitures are payable upon receipt of the final order declaring the forfeiture. An automatic additional forfeiture for late payment shall be due and payable at the rate of five (5) dollars per month or 10 percent per month of the initial forfeiture, whichever is greater, assessed for a maximum period of ten months or until the forfeiture is reduced to judgment whichever shall occur first. Forfeitures under this code are a debt owing to the county and may be collected in the same manner as any other debt.

Infractions, Specific *

5.165 Definitions. The following sections of this chapter consist of infractions and for the purpose of these sections the following words and phrases shall mean:

At large. A dog off the premises of the owner and not under the immediate control of the owner or by a competent person; except "at large" does not include exhibition in dog shows, obedience training or trials, or the use of a dog under the supervision of a person to hunt, chase [illegible] predatory animals or game birds, or the use of [illegible] or protect livestock or in other related agricultural practices.

[illegible] person to whom any seller sells or offers to sell consumer goods or services.

Commercial dog kennel. A place of business for the care [illegible] dogs including but not limited to, the boarding, grooming, [illegible], training or selling of dogs. The term is not [illegible] include an animal hospital or a non-commercial [illegible] from which dogs are occasionally sold.

Consumer goods or services. Those goods or services which are used or bought for use primarily for personal, family or household purposes.

[illegible] person who owns, keeps or harbors a dog [illegible] or an operator of a commercial kennel insofar as they may keep dogs in the course of their business.

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* The following [illegible] also contain provisions, violation of which is a county infraction:

1. Chapter 3 (see section 3.990; junk yards).
2. Chapter 9 (see section 9.990; solid waste disposal).
3. Chapter 11 (see section 11.990; county building code).

inflict serious harm on them shall be regarded as vicious. Vicious dogs shall be impounded by the division.

5.195 Biting Dogs. No person shall keep a dog which, without provocation, has bitten a human being on two occasions. Such a dog shall be impounded by the division.

5.200 Impoundment of Dogs.

(1) Owners of impounded dogs shall pay a charge of $10 to the impounding agency. Unpaid impound charges may be collected by the county by an action against the owner.

(2) The division may impound dogs found to be at large. However, a reasonable attempt shall be made to locate the owner or responsible member of the household over the age of 15 years. If such person can be found and agrees to name the owner and accept the summons and complaint for the owner, the dog shall be given to that person.

(3) The division shall impound any dog involved in an alleged violation of the County Dog Control Regulations if the owner of the dog has not paid a fine in accordance with an infraction section order entered against him for a violation of the County Dog Control Regulations within the preceding twelve months. For any dog so seized, the notice and disposal of the dog shall be in the same manner as for licensed dogs under subsection 5.205 (1) (b).

5.205 Disposition of Impounded Dogs.

(1) The division shall keep any dog impounded for violation of this chapter for the period of time hereinafter specified. A daily record of such dogs shall be kept at the animal shelter where they are impounded and shall be made available to the public. The division shall dispose of such dogs in accordance with the following provisions:

(a) An unlicensed dog which has not been redeemed within four days after being impounded and recorded as specified above may be sold or destroyed.

(b) A licensed dog which has not been redeemed within five days after notification of the registered owner by telephone, telegram or by mailing notice by certified mail may be sold or destroyed. The notice shall advise the owner of the place where the dog is kept, the procedures required for the redemption of the dog, the charges imposed for the impoundment and for the daily care of the dog during impoundment, and the consequence of failure to redeem the dog within the required time.

(2) Any dog given to the division by the owner for disposal may be destroyed immediately, or, in the alternative, sold to any person.

(3) Except as otherwise provided in this subsection, dogs impounded under subsection 5.190 and 5.255 (1), (2), (3) and (4) (b) shall be destroyed after four days. The division shall notify the owner in writing as soon after impounding as practicable that a dog so impounded will be destroyed after four days from the mailing of the letter, but that the owner may request