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REEL 119 PAGE 443

MAY 19 1983

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

County Clerk
For Lane County, Oregon
BY Patricia [Signature]
ORDINANCE NO. 12-83

) IN THE MATTER OF AMENDING CHAPTER 5
) OF LANE CODE TO REMOVE COMMERCIAL
) DOG KENNEL FROM DEFINITIONS AND
) ADD COMMERCIAL BREEDING KENNEL AND
) COMMERCIAL KENNEL (LC 5.165) AND
) REVISE FEE SCHEDULE TO CONFORM
) THEREWITH (LC 5.225)

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

Chapter 5 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

5.165 - 5.165(6) to
5.165(7) - 5.175(3)
(a total of two pages)

5.165 - 5.165(7) to
5.168(8) - 5.175(3),
i.e. 5-7 to 5-8
(a total of two pages)

5.220(5) - 5.230(1)
(a total of one page)

5.220(5) - 5.230(1),
i.e. 5-14
(a total of one page)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to remove Commercial Dog Kennel from Definitions and add Commercial Breeding Kennel and Commercial Kennel (LC 5.165) and revise fee schedule to conform therewith (LC 5.225).

Enacted this 18th day of May, 1983.

Gerald H. Rust, Jr.
Chairman, Lane County Board of
Commissioners

Debbie E. Mohr
Recording Secretary for this Meeting
of the Board

In the Matter of Amending Chapter 5 of Lane Code to Remove Commercial Dog Kennel From Definitions and Add Commercial Breeding Kennel and Commercial Kennel (LC 5.165) and Revise Fee Schedule to Conform Therewith (LC 5.225)

APPROVED AS TO FORM
DATE 3/1/83 by [Signature]
OFFICE OF LEGAL COUNSEL

5.165

Lane Code

5.165(7)

Infractions, Specific

5.165 Definitions. The following definitions apply to the provisions of Lane Code 5.170 through 5.298:

(1) Animal Control Officer. The person employed by the Animal Regulation Authority and empowered to enforce provisions of this Code.

(2) Abandoned Dogs. Any dog left without proper food or water for a period over 24 hours.

(3) Continuous Barking. A dog which barks or howls for 10 minutes or more.

(4) Commercial Breeding Kennel. A place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

(5) Commercial Kennel. A place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

(6) Dog-at-Large. A dog off the premises of the owner and not under the owner's immediate control. Excepted from this definition are exhibition in dog shows, obedience training or trial, or use of the dog under the supervision of a person to hunt, chase or tree predatory animals, or game birds, or protect livestock, or in other related agricultural activities. A dog is not off the premises of its owner if the property of the owner is separated by a road or roads and the dog is on the road which separates said property.

(7) Dog Owner.

(a) Any person, firm, association or corporation who is the licensed owner of a dog, or who has the right of property in a dog, or who harbors a dog, or who has a dog in said person's care, possession, custody or control, or who knowingly permits a dog to remain on any premises occupied by said person. Except for purposes of LC 5.250, 5.255 and 5.260, dog owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not less than 30 days dogs owned by other persons.

(b) Any person, except a veterinarian or commercial kennel operator, who resides where a dog is kept, harbored or cared for, shall be presumed to be the owner of that dog. This presumption may be rebutted by proof that such person has no property right to dog, that he or she is not the licensed owner, and is not harboring the dog, and is not caring for the dog.

5.165(8)

Lane Code

5.175(3)

(8) Livestock. Includes but is not limited to cattle, sheep, horses, goats, swine, fowl, poultry, cats or any furbearing animal bred and maintained commercially or otherwise within pens, cages and hutches, or domesticated wild animals.

(9) Neutered. The removal of the ovaries and uterus, ovarian hysterectomy, in female dogs. The removal of the male gonads in male dogs. Any other method of neutering a dog which is certified and performed by a licensed veterinarian.

(10) Noncommercial Dog Kennel. An establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

(11) Vicious Dog. Any dog which has bitten, attacked or tried to attack a person without provocation, and has the capacity to inflict serious harm to a person, shall be regarded as a vicious dog.

(12) Watchdog. A dog confined at a business or residence to protect the people or property of said business or residence.

5.170 County Dog Control Regulations Supercede State Law.

LC 5.165 to 5.298 shall be known as the "County Animal Control Regulations" and the purpose of these sections is to supercede the provisions of ORS Chapter 609 by providing Rules and Regulations governing the keeping, licensing, and control of dogs. These Code provisions do not supercede ORS 609.140.

5.175 Animal Regulation Authority Powers and Duties. The Powers and Duties of the Animal Regulation Authority shall be as follows:

(1) To enforce the provisions of LC 5.165 to 5.298 and discharge the duties provided therein.

(2) To maintain or contract for the maintenance of an animal shelter or other place for all animals which are subject to impoundment may be kept and safely held and provided with proper and sufficient food and water.

(3) To collect any costs, fees and charges hereinafter provided for the licensing, impounding and keeping of any animal.

5.220(5)

Lane Code

5.230(1)

(5) A license tag issued to the dog shall be attached securely to a collar or harness on the dog for which it is issued. If a license is lost, the owner shall obtain a duplicate license tag upon satisfactory proof of loss and payment of the required fee.

(6) A person who violates this section commits a Class B Infraction.

5.225 License and Other Fees.

(1) A dog license fee shall be charged in the amount provided below. The fee is due and payable upon the issuance of the license. A person who purchases a kennel license does not have to license the individual dogs as long as they live at the kennel. Also, a person who purchases a license for a commercial breeding kennel need not also obtain a commercial kennel or noncommercial kennel license, and a person who purchases a commercial kennel license need not obtain a noncommercial kennel license if they choose to operate such a kennel.

(2) No license fee shall be required for any dog owned by a blind person who uses the dog as a guide. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing of an Affidavit by the blind person showing such dog to come within this exemption. Such Affidavit shall be filed with the Animal Regulation Authority.

(3) After application upon a form to be provided by the Animal Regulation Authority, a permit may be issued to a licensed owner to use that dog as a watchdog. A fee for that permit shall be in addition to the individual license fee.

(4) Fees shall be as follows:

(a) Dog license	\$ 9.50
(b) Dog license/neutered dog	4.75
(c) Dog license/senior citizen 65 or over	4.75
(d) Duplicate license	2.00
(e) Noncommercial kennel license	25.00
(f) Commercial kennel license	50.00
(g) Commercial breeding kennel (three to 10 dogs over six months old, kept for breeding per year)	100.00
(h) Commercial breeding kennel (11 dogs or more over six months old kept for breeding per year)	200.00
(i) Impoundment	20.00
(j) Daily care (per day maximum)	8.00
(k) Watchdog permits	25.00

5.230 Kennel License.

(1) No person shall operate a kennel, whether commercial or noncommercial, without the appropriate kennel license. Kennel licenses shall be valid from one year from the date of issuance.

12-72; 6.7.76

5-14

WP 34316-LC12-30

4-74; 7.1.74

15-75; 11.12.75

16-75; 12.26.75

14-81; 8.19.81

2-82; 4.9.82