

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 13-86

) IN THE MATTER OF AMENDING CHAPTER 5
) OF THE LANE CODE REGARDING POTENTIALLY
) DANGEROUS ANIMALS AND ANIMALS CAUSING
) ANNOYANCE AND MAKING CERTAIN HOUSE-
) KEEPING REVISIONS

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 THIS PAGE

INSERT THIS PAGE


5.005 - 5.015(1) to
5.270(1) - 5.298(2),
i.e. 5-1 to 5-18
(a total of 18 pages)

5.005 - 5.015(1)
5.296 - 5.298
i.e. 5-1 to 5-18
(a total of 21 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to amend Lane Code Chapter 5 regarding potentially dangerous animals and animals causing annoyance and making certain housekeeping revisions.

Enacted this 8th day of October, 1986.

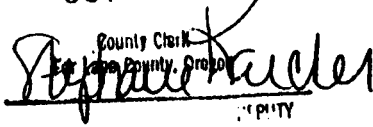

Chair, Lane County Board of Commissioners

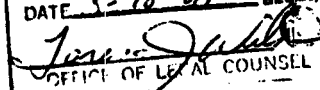

Recording Secretary for this Meeting of the Board

FILED

AT.....O'CLOCK.....M

OCT 10 1986

BY 
County Clerk
Lane County, Oregon
CAPITY

APPROVED AS TO FORM
DATE 8-18-86

OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AMENDING CHAPTER 5 OF LANE CODE REGARDING POTENTIALLY DANGEROUS ANIMALS AND ANIMALS CAUSING ANNOYANCE AND MAKING CERTAIN HOUSEKEEPING REVISIONS

cnbj0643

5.005

Lane Code

5.015(1)

Chapter 5'

I N F R A C T I O N S

Infractions Section

5.005 Definitions. For purposes of this Chapter, the following terms are defined as follows:

(1) Admissible Evidence. The Oregon Evidence Code shall be applicable to hearings held for violations of County Infractions.

(2) County Infractions. As defined in LC 1.010.

(3) Director. The Director of the Department of County Administration or the Director's designee.

(4) Hearings Officer. The chief Hearings Officer, temporary Hearings Officers or assistant Hearings Officers appointed under this Code.

(5) Section. County Infractions Section.

5.010 Establishment and Purpose.

(1) A County Infractions Section with the powers and responsibilities provided in this Chapter, and subject to the procedures and limitations set forth below, is hereby established.

(2) The County Infractions Section has been established for the purpose of providing a convenient and practical forum for the administrative hearing and determination of cases arising out of civil violations of certain County Ordinances, for the hearing and determination of factual issues as may be ordered by the Board in connection with, but not limited to, license and permit revocation proceedings, and for determining factual issues relative to abandoned vehicles.

5.015 Organization.

(1) The Section shall consist of the chief Hearings Officer, any temporary or assistant Hearings Officers and supporting clerical staff and shall be under the general supervision of the Director.

5.165

Lane Code

5.190

Serious Physical Injury. 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.

Watchdog. A dog confined at a business for the exclusive use of protecting people or property of said business.

5.170 County Dog Control Regulations Supercede State Law. LC 5.165 to 5.298 above and below 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 above and below 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 or provide for the collection of by contractually authorized private vendors, any costs, fees and charges hereinafter provided for the licensing, impounding and keeping of any animal.

5.180 Receipts. All receipts for fees collected in connection with LC 5.165 to 5.298 above and below shall be deposited in the Animal Control Fund. However, private vendors under contract with the Animal Regulation Authority to dispense licenses may retain a handling fee of \$1 per license issued.

5.185 Summons and Complaints. Any peace officer or Animal Control Officer investigating an animal case may sign, issue, and serve upon an animal owner a Summons and Complaint alleging a violation of this Chapter. A Summons and Complaint must be filed within six months of the date of the offense of an alleged violation of this Chapter.

5.190 Entry Onto Private Land. Any Animal Control Officer or any peace officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing

19-72; 10.13.72 12-83; 6.17.83 5-9
 23-72; 11.3.72 21-83; 11.29.83
 16-75; 12.26.75 4-85; 6.26.85
 2-82; 4.9.82 5-86; 6.6.86

WP 34316-LC12-22

5.190

Lane Code

5.195(5)

the provisions of this Chapter, but such officer shall not enter into any building or dwelling without legal authorization or the permission of the owner or occupant of the premises.

5.193 Care of Stray Animals.

(1) All persons must turn over to the Animal Regulation Authority stray animals within 24 hours after the person exercises control over the animal or must notify the Animal Regulation Authority of the description of the animal and the address where the animal is being kept and retain possession of the animal for three days after the Animal Regulation Authority is so notified.

(2) A violation of this section is a Class B Infraction.

5.195 Impoundment of Dogs.

(1) Any peace officer or Animal Control Officer may impound a dog that is in violation of this Chapter and may hold said dog until the infractions hearing is over or until the fine, if assessed, is paid subject to the provisions of LC 5.210 below.

(2) If the fine assessed is not paid within five calendar days after the order, the dog may be disposed of as provided for in LC 5.210 below.

(3) Any person whose property has been trespassed upon by any dog in violation of this Chapter or who observes a dog trespassing upon the property of another, or who observes a dog killing, chasing or injuring livestock, may immediately apprehend that dog and hold the dog until delivery to an Animal Control Officer, or any peace officer. Any person who so impounds a dog must immediately notify the Animal Regulation Authority of such impoundment and must turn the dog over to a police officer or to the Animal Regulation Authority. Failure to notify the Animal Regulation Authority within eight hours of having impounded a dog is a Class C Infraction.

(4) If an Animal Control Officer or a peace officer has probable cause to believe that a dog is a potentially dangerous dog, then they shall impound the dog and hold the dog until such hearing on said alleged violations, or until the dog is to be disposed of pursuant to LC 5.210 below.

(5) If an Animal Control Officer or a peace officer has probable cause to believe that any animal which is in an unoccupied motor vehicle may be in danger of dying, then they may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed.

12-72; 6.7.72
19-72; 10.13.72
23-72; 11.3.72
4-74; 7.1.74
16-75; 12.26.75

18-79; 1.9.80
2-82; 4.9.82
21-83; 11.29.83
4-85; 6.26.85
5-86; 6.6.86

5-10

WP 34316-LC12-23

5.200

Lane Code

5.210(3)

5.200 Failure to Surrender Dog. Any person who fails to surrender a dog to a person identifiable as an Animal Control Officer or a peace officer upon their demand, so that the dog can be impounded as provided for by this Chapter, commits a Class A Infraction.

5.205 Resisting an Animal Control Officer or Peace Officer.

(1) If a person intentionally resists someone known by him or her to be a peace officer, or an Animal Control Officer, who is impounding a dog as provided for by this Chapter, that person commits a Class A Infraction.

(2) "Resists" as used in this section means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person.

5.210 Impounding Regulations and Disposition of Impounded Dogs.

(1) The Animal Regulation Authority shall keep any dog impounded for a period of time hereinafter specified. A daily record of such dogs shall be kept at the place of impoundment and shall be made available to the public. The Animal Regulation Authority shall dispose of such dogs in accordance with the following provisions:

(a) An unlicensed dog, or a dog, the owner of which is unknown, which has not been redeemed within 72 hours after impoundment, may be sold, adopted or destroyed.

(b) A licensed dog, or a dog, the owner of which is known, which has not been redeemed within 120 hours of notification of the owner by telephone contact, or by mailing or by posting at the owner's dwelling the impoundment notice, may be destroyed, adopted or sold.

(2) Except as provided in LC 5.210(1) above, the Animal Regulation Authority shall notify the owner by telephone or by the mailing of an impoundment notice within 24 hours after the impoundment that the dog will be destroyed within 120 hours after such notification. The impoundment notice shall advise the owner of the place where the dog is kept, the procedures required for redemption of the dog, the fees for the impoundment, daily care and redemption and the consequences of failure to redeem the dog.

(3) Dogs impounded pending a hearing on whether their acts amounted to a violation of LC 5.265, 5.285, 5.290 or 5.295 below shall be destroyed if any of the following occurs:

(a) If the owner of the dog is unknown after 72 hours from the time of impoundment; or

(b) If the owner of the dog is known and has been notified of the impoundment as provided in LC 5.210 (1)(b) above, but has refused to accept service of a Summons and Complaint, then after 120 hours from time of notification by phone or from the time of mailing the impoundment notice, whichever is applicable; or

12-72; 6.7.72

19-72; 10.13.72

23-72; 11.3.72

4-74; 7.1.74

16-75; 12.26.75

18-79; 1.9.80

2-82; 4.9.82

21-83; 11.29.83

4-85; 6.26.85

5-11

WP 34316-LC12-24

5.210(4)

Lane Code

5.210(6)

(c) If the owner of the dog has received a Summons and Complaint charging the owner with violation of LC 5.265, 5.285, 5.290 or 5.295 below and does not file or mail a request for a hearing within the time as provided on the Summons and Complaint provided by LC 5.025 above, then after seven days from the time the request for hearing should have been made; or

(d) If there has been a hearing in which the Infractions Hearing Officer determined that the dog committed acts that violate LC. 5.285, 5.290 or 5.295 below, then after 72 hours from the day of the Order.

(4) If an Order is entered by the Hearings Officer for a dog to be destroyed, execution of the Order may be stayed for up to five years from the date of said Order, providing that the dog owner and the attorney representing the County present an agreement for approval to the Infractions Hearings Officer signed by both parties and providing for:

(a) Restitution to be paid to the person injured, if applicable, including damages resulting from the injury to or destruction of livestock, and

(b) Safeguards that will help to ensure the chance that the dog does not engage in such conduct again, including, but not limited to, requirements that the owner build a run for the dog before it is released, fence his or her yard or have the dog live elsewhere in a secure setting, and agree not to own any other dog on the property where the owner resides, and

(c) That if the dog is found in violation of the safeguards that have been imposed, that it may be immediately impounded by an Animal Control Officer, a peace officer or any other person and destroyed by the Animal Regulation Authority without a further hearing, unless the dog owner requests a hearing in writing to the Animal Regulation Authority within 24 hours after the dog owner is notified that the dog is impounded. If the owner cannot be personally notified that the dog has been impounded, the dog may be destroyed four days after a notice of impound is mailed to the owner's last known address, unless the owner requests a hearing before then. The hearing will be limited to a determination as to whether the agreement has been violated.

(5) In event a written notice of intent to file a Writ of Review is filed as provided for in LC. 5.045 above the dog shall not be destroyed until the disposition of the Writ of Review in Circuit court, if one is filed in a timely manner.

(6) Notwithstanding the previous section, any dog given to the Animal Regulation Authority by the owner for disposition may be destroyed immediately or, in the alternative, sold to any person, unless the owner of the dog specifically requested the dog to be destroyed in which case it shall be destroyed.

12-72; 6.7.72
 19-72; 10.13.72
 23-72; 11.3.72
 4-74; 7.1.74
 16-75; 12.26.75

18-79; 1.9.80
 2-82; 4.9.82
 21-83; 11.29.83
 4-85; 6.26.85

5-12

WP 34316-LC12-25

5.215

Lane Code

5.220(3)

5.215 Redemption and Sale.

(1) Redemption of an impounded dog shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges:

- (a) Impoundment fee, and
- (b) Daily care fee, and
- (c) License and rabies vaccination fees, if required,

and

- (d) Medical care fees if required.

(2) Impounded dogs may be sold, adopted or destroyed after the applicable holding time.

(3) When a dog is sold, or adopted out by the Animal Regulation Authority, the purchaser shall pay any required license and rabies vaccination fees.

(4) No impoundment charge shall be made for a dog released after determination by the Hearings Officer that no infraction occurred.

(5) No live dog shall be provided or sold by the Animal Regulation Authority for surgical or medical demonstration or research.

(6) Except as otherwise provided, if after 72 hours an impounded dog cannot be sold, the Animal Regulation Authority is authorized and empowered to destroy the dog by any humane method permitted under state law.

(7) If a dog is adopted or sold from the Animal Regulation Authority or from any other agency which accepts unwanted or abandoned animals, the owner must have the dog spayed or neutered within six months from the date of sale if the dog is too young to be spayed or neutered immediately. If a dog over six months old is adopted or sold by an agency which accepts unwanted or abandoned animals, the dog must be spayed or neutered within one month after it is turned over to its new owner. A violation of this subsection is a Class A Infraction.

(8) If a person who is the owner of an animal fails to reclaim it from the Animal Regulation Authority within five days after notification that the animal is ready to be released, then that person commits a Class A Infraction.

5.220 Dog Licenses.

(1) Every owner of a dog which has a set of permanent canine teeth or has attained the age of six months, whichever event occurs first, shall immediately obtain a license for the dog. If the dog owner moves into Lane County, the owner must obtain a license within five days of moving into the County.

(2) Licenses shall be valid for one year from the date of issuance or until the sale or gift of the dog, whichever occurs first.

(3) No license shall be issued until a certification of vaccination for rabies, valid for the license year, is presented to the Animal Regulation Authority or duly authorized issuer.

12-72; 6.7.72 21-83; 11.29.83 5-13 WP 34316-LC12-39
 19-72; 10.3.72 4-85; 6.26.85
 23-72; 11.3.72 5-86; 6.6.86
 4-74; 7.1.74
 16-75; 12.26.75
 18-79; 1.9.80
 2-82; 4.9.82

5.220(4)

Lane Code

5.225(5)

(4) Dog owners shall renew the dog license before it becomes delinquent for as long as they own the dog.

(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) If a dog is classified as a potentially dangerous dog, the owner will purchase a separate license for a potentially dangerous dog as well as a regular dog license.

(5) Fees shall be as follows:

(a) Dog license	\$ 10.00
(b) Dog license/neutered dog	5.00
(c) Dog license/senior citizen 65 or over	5.00
(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
(l) Potentially dangerous dog	25.00

12-72; 6.7.72 2-82; 4.9.82
 4-74; 7.1.74 12-83; 6.17.83
 15-75; 11.12.75 21-83; 11.29.83
 16-75; 12.26.75 4-85; 6.26.85
 14-81; 8.19.81 5-86; 6.6.86

5-14

WP 34316-LC12-30

5.227

Lane Code

5.235(4)

5.227 Uses of Watchdog. Any business using a watchdog must conspicuously post the premises to warn the public of the watchdog. The dog must not be allowed access to the public that is on the property during business hours. If the dog is used outside of a building, the property must be fenced in a way to prohibit the dog access to any public right-of-way. A violation of this section is a Class C Infraction.

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.

(2) A violation of this section shall be a Class A Infraction.

(3) No kennel license shall be issued under this section to anyone in nonconformity with applicable zoning statutes and ordinances.

(4) The following provisions shall govern revocation of licenses:

(a) Three or more infractions of this Chapter within a period of 12 calendar months shall result in a revocation of licenses granted under this section.

(b) Such revocation may occur after a hearing before the Infractions Hearings Officer and after the licensee has been mailed a notice of a time to appear at least five days in advance of the hearing. Such notice shall include a general statement of the reasons for commencing the revocation proceedings.

(c) If a licensee is revoked by the Infractions Hearings Officer, the licensee shall have the right to appeal as provided by LC 5.045 above.

5.235 Reporting of Biting Dogs.

(1) The owner of a dog which bites a human shall immediately notify the Animal Regulation Authority of such bite, the time and circumstances of such bite, and the name and address of the person bitten, if known.

(2) Any person who is bitten by a dog shall forthwith notify the Animal Regulation Authority of such bite giving a description of the dog, the time and circumstances of the bite and the name and address of the owner, if known.

(3) When a doctor, veterinarian, hospital employee, or other person has information that a person has been bitten by a dog, such person shall notify forthwith the Animal Regulation Authority.

(4) A violation of this section is a Class A Infraction.

12-72; 6.7.72

2-82; 4.9.82

5-15

WP 34316-LC12-31

4-74; 7.1.74

12-83; 6.17.83

15-75; 11.12.75

21-83; 11.29.83

16-75; 12.26.75

4-85; 6.26.85

14-81; 8.19.81

5-86; 6.6.86

5.240

Lane Code

5.245(2)

5.240 Biting Rabid Dogs - Quarantine.

(1) When either the Animal Regulation Authority, the Department of Health and Human Services or the Department of Public Safety of Lane County has grounds to suspect that a dog is infected with the disease of rabies, there shall be delivered to the owner of the dog a written notice thereof. The owner shall thereupon be required to quarantine his or her dog for 10 days. The biting of any person by the dog shall constitute grounds for suspecting their dog to be so infected. The delivery of the notice to a member of the owner's family 15 years or older at the premises where the dog is kept or at the owner's usual place of abode, shall be delivery of notice to the owner.

(2) Any dog required to be quarantined shall be confined as follows:

(a) On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person, or

(b) At the owner's expense at a veterinary hospital, the Animal Regulation Authority's kennel or a kennel approved by either the Department of Health and Human Services or the Animal Regulation Authority.

(3) Any animal that has been bitten by a dog proved to be rabid shall be destroyed.

(4) If a dog exhibits symptoms of rabies while it is under quarantine, the Director of the Department of Health and Human Services may order in writing that it be destroyed and its head be submitted as directed to the Oregon State Public Health Laboratory.

5.245 Sick or Injured Animals.

(1) Any sick or injured animal found by a peace officer or Animal Control Officer off the premises of its owner will be delivered to its owner if it is feasible to do so. Any such animal for which the owner is either unknown or cannot be reached after reasonable attempts to do so may be delivered by the Animal Regulation Authority to a veterinarian for medical treatment if the Animal Regulation Agency reasonably believes that such treatment is necessary. The veterinarian shall determine whether the animal is so severely injured or incurably crippled that the humane thing to do would be to destroy the animal. If the determination is made to destroy the animal, the animal may be destroyed immediately. If the veterinarian determines treatment should be given, such treatment may be given; provided, however, the animal may be destroyed if not claimed by its owner within 72 hours after being delivered to the veterinarian.

(2) Any peace officer or Animal Control Officer may humanely destroy any animal too severely injured to move and not on the property of its owner, when the owner is either unknown or cannot be reached after a reasonable attempt to do so.

12-72; 6.7.72

16-72; 9.8.72

5-74; 4.3.74

16-75; 12.26.75

20-78; 9.22.78

18-79; 1.9.80

2-82; 4.9.82

21-83; 11.29.83

4-85; 6.26.85

5-16

WP 34316-LC12-32

5.245(3)

Lane Code

5.260

(3) Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be determined by separate contracts between the Animal Regulation Authority and individual veterinarians.

(4) The owner of the animal shall be liable to the veterinarian and to the Animal Regulation Authority for all expenses which are incurred for the care of said animal.

5.250 Abandoned Dogs.

(1) No dog owner shall abandon his or her dog.

(2) Any peace officer or Animal Control Officer may:

(a) Provide food or water to abandoned dogs. The dog owner shall pay for such services as provided by LC 5.225 above.

(b) Impound any abandoned dog. As soon as practical, notice of impoundment under this section shall be posted at the location the animal was found or mailed to the owner. If the owner is unknown, the notice shall be mailed to the address, if one exists, at which the dog was found or impounded.

(3) A dog owner, who abandons his or her dog, commits a Class A Infraction.

5.255 Dogs at Large Prohibited.

(1) No dog owner shall permit a dog to be at large.

(2) A dog owner, whose dog runs at large, commits a

Class B Infraction.

(3) A dog owner is deemed to be negligent per se for the actions of a dog at large when the dog causes injury to a person or property.

5.260 Continuous Annoyance. An animal owner who permits any animal to cause annoyance, alarm, or noise disturbance for more than 15 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property commits a Class C Infraction.

16-72; 9.8.72 20-78; 9.22 5-17
19-72; 10.13.72 2-82; 4.9.82
23-72; 11.3.72 21-83; 11.29.83
5-74; 4.3.74 4-85; 6.26.85
16-75; 12.26.75

WP 34316-LC12-33

5.265

Lane Code

5.265(6)

5.265 Potentially Dangerous Dog. The purpose of this section is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, domestic animals or livestock or property are identified and subjected to precautionary restrictions before such injury has occurred.

(1) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or livestock.

(2) Level 2 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person.

(3) Level 3 behavior is established if a dog, while at large, bites or causes physical injury to any domestic animal which is not livestock.

(4) Level 4 behavior is established if a dog bites any person.

(5) Level 5 behavior is established if:

(a) A dog, whether or not confined, causes the serious injury or death of any person; or

(b) A dog, while at large, kills any domestic animal; or

(c) A dog, while at large bites or causes physical injury to livestock; or

(d) A dog engages in or is found to have been trained to engage in exhibitions of fighting; or

(e) A dog that has been classified as a level 4 potentially dangerous dog repeats the behavior described in LC 5.265(4) above after the owner receives notice of the level 4 behavior classification.

(6) The fines and restrictions for each level are as follows:

(a) Level 1. This is a Class C Infraction and mandatory Violator's School.

(b) Level 2. This is a Class B Infraction and mandatory Violator's School

(c) Level 3. This is a Class A Infraction and mandatory Violator's School and the Hearings Officer may order that the dog be spayed or neutered.

(d) Level 4. This is a Class A Infraction and mandatory Violator's School and the Hearings Officer may order that the dog be spayed or neutered.

(e) Level 5. This is a Class A Infraction and mandatory Violator's School and the Hearings Officer may order that the dog be euthanized.

16-72; 9.8.72	20-78; 9.22.78	5-17a
19-72; 10.13.72	2-82; 4.9.82	
23-72; 11.3.72	21-83; 11.29.83	
5-74; 4.3.74	4-85; 6.26.85	
16-75; 12.26.75		

5.265(7)

Lane Code

5.270(3)

(7) (a) Notwithstanding LC 5.265(1) through (5) above, the Director shall have discretionary authority to refrain from classifying a dog as potentially dangerous even if the dog has engaged in the behaviors specified in LC 5.265(1) through (5) above, if the Director determines that the behavior was a result of the victim abusing or tormenting the dog or other extenuating circumstances.

(b) No dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser on the property of a business which owns a licensed watchdog, providing the owner has complied with LC 5.227 above.

(c) No dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser that has illegally entered any residence.

(d) The restrictions for a dog classified as a Level 1 or Level 2 dog may be reviewed by the Hearings Officer after six months. If the dog owner can show that the behavior which caused the classification has been corrected to the satisfaction of the Hearings Officer, then the Hearings Officer may enter an order modifying or deleting the classification.

5.270 Identification of Potentially Dangerous Dogs; Appeals; Restrictions Pending Appeal.

(1) The Director shall have the authority to determine whether any dog has engaged in the behaviors specified in LC 5.265 above. This determination shall be based upon an investigation that includes observation of the dog's behavior by the Lane County Animal Regulation Authority Animal Welfare Officers or by other witnesses who personally observed the behavior, sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior, if necessary.

(2) The Director shall give the dog's owner written notice by certified service of the dog's specific behavior, classification as a potentially dangerous dog and to the additional restrictions applicable to that dog by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the Director's decision to the Hearings Officer within 10 days of the date the notice was received by the owner by certified mail or the owner was personally served.

(3) The Hearings Officer shall hold a public hearing on any appeal from the Director's decision to classify a dog as potentially dangerous. The owner and any other persons having relevant evidence concerning the dog's behavior as specified in LC 5.265 above shall be allowed to present testimony. The Hearings Officer shall issue an order containing his or her determination, which shall be final unless the owner files a writ of review appealing that decision.

12-72; 6.7.72 2-82; 4.9.82 5-17b
 16-75; 12.26.75 21-83; 11.29.83
 18-79; 1.9.80 4-85; 6.26.85
 1-81; 3.20.81

5.280

Lane Code

5.293

5.280 Dog Waste Matter.

(1) It shall be unlawful for a dog owner to allow the dog, except for seeing eye dogs, to deposit solid waste matter on any property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

(2) A violation of this section is a Class C Infraction.

5.285 Dead Animals - Removal of Carcasses.

(1) No person shall knowingly permit an animal carcass owned by said person to remain on public property or to be exposed on private property.

(2) A violation of this section is a Class C Infraction.

5.290 Right to Kill a Dog Chasing, Killing or Injuring

Livestock. Any dog which chases, kills or injures livestock not belonging to its owner, while off the premises owned or under the control of its owner, may be killed immediately by any person.

5.293 Reporting of Gun Shot Wound.

(1) The owner of a dog that has received a gun shot wound shall immediately notify the Animal Regulation Authority of such gun shot wound, and if known, the time and circumstances of the shooting and the name and address of the person who shot the dog.

(2) Any person who shoots a dog shall immediately notify the Animal Regulation Authority of the shooting, giving a description of the dog, the time and circumstances of the shooting and the name and address of the dog's owner, if known.

(3) When a veterinarian or other person has information that a dog has been shot, such person shall immediately notify the Animal Regulation Authority.

(4) A violation of this section is a Class C Infraction.

12-72; 6.7.72
 16-75; 12.26.75
 18-79; 1.9.80
 2-82; 4.9.82
 21-83; 11.29.83
 4-85; 6.26.85

5-17d

5.296

Lane Code

5.298

5.296 Selling, Trading, Bartering or Giving Away Animals in Certain Locations Prohibited.

(1) No person shall sell, trade, barter or give or offer to give away any animal to another person in a County park, or property owned by Lane County except for the Lane County Fairgrounds.

(2) A violation of this section is a Class B Infraction.

5.297 Dogs in Season (Estrus).

(1) No person shall permit a dog in heat (estrus) to be accessible to male dogs not in the person's ownership, except for intentional breeding purposes.

(2) Violation of this section is a Class C Infraction.

5.298 Failure to Attend Violator's School. A failure to attend Violator's School, after being notified of when and where it will meet, is a Class A Infraction.

12-72; 6.7.72
16-75; 12.26.75
18-79; 1.9.80
1-81; 3.20.81
2-82; 4.9.82
21-83; 11.29.83
4-85; 6.26.85

5-18

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