

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 8-91)
) IN THE MATTER OF AMENDING LANE
) CODE 5.165, 5.220 AND 5.225 TO
) DEFINE THE TERM DELINQUENT,
) CLARIFY THE DEFINITION OF
) OWNER, ESTABLISH NEW FEES, AND
) DECLARING AN EMERGENCY

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
 i.e. 5-8 - 5-9a
 (a total of three pages)

5.165 - 5.165
 i.e. 5-8 - 5-9a
 (a total of three pages)

5.215(9) - 5.225(6)
 i.e. 5-17 - 5-19
 (a total of three pages)

5.215(9) - 5.225(6)
 i.e. 5-17 - 5-19
 (a total of three pages)

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately upon adoption.

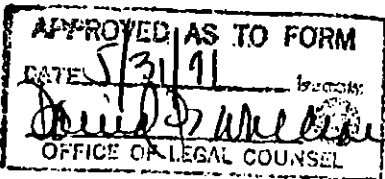
Enacted this 26th day of June, 1991.

[Signature]

 Chair, Lane County Board of Commissioners

[Signature]

 Recording Secretary for this Meeting of
 the Board



FILED
 JUL 08 1991
 COUNTY CLERK
 FOR LANE COUNTY OR
 BY *[Signature]*

Infractions, Specific

5.165 Animal Control - Definitions. For the purposes of LC 5.165 to 5.248 below, the following words and phrases mean:

Animal. Any dog, cat, exotic, wild or dangerous animal, or livestock.

Animal Control Officer. The person employed by the Animal Regulation Authority and empowered to enforce provisions of this Chapter.

Continuous Annoyance. Permit any animal to cause annoyance, alarm or 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.

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.

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.

Delinquent. A dog license will become delinquent, 30 days after the expiration date of said license.

Director. The administrative head of the Animal Regulation Authority, or his or her designee.

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. Excepted from this definition is a dog that is on private property, which is not the property of the dog owner, with the knowledge and permission of the owner of the property.

Dog License. A license for any dog owned that is over six months of age or has permanent canine teeth, whichever occurs first. The dog must have been vaccinated against rabies by a licensed veterinarian.

Dog Owner.

(a) Any person who is the licensed owner of a dog, or who has the right of property in a dog, or who, without regard to any ownership interest, 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

19-72; 10.13.72
16-75; 12.26.75
2-82; 4.9.82
12-83; 6.17.83
21-83; 11.29.83
4-85; 6.26.85
13-86; 11.7.86
3-89; 5.12.89

5-8

WP 1/co/00014/C
REV: 1/cr/00110/C

5.165

Lane Code

5.165

by said owner. Except for purposes of LC 5.250, 5.255 and 5.260 below, 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 is not harboring the dog, that the dog is not in that person's care, possession, custody, or control, or that the person does not knowingly permit the dog to remain on any premises occupied by the person.

Euthanasia. Putting an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.

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

Muzzle. A device constructed of strong, soft material or metal that complies with specifications to be adopted by the Director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

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.

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 an animal hospital.

Person. Any natural person, association, partnership, firm or corporation.

Physical Injury. Impairment of physical condition or substantial pain.

Police Service Dog. A dog used in police work by a law enforcement agency as defined in ORS 181.010(6) 1985 ed., whether or not the dog is being so used at the time in question. Unless specifically referred to therein, neither a police service dog or its handler are subject to any of the restrictions or regulations contained in LC 5.165 to 5.298 of this Chapter.

Potentially Dangerous Dog. Any animal that is a member of the canine family and has been found to engage in behavior specified in LC 5.265 below.

9-72; 10.13.72	21-83; 11.29.83	5-9	WP 1/co/00014/C
23-72; 11.3.72	4-85; 6.26.85		REV: 1/cr/00110/C
16-75; 12.26.75	5-86; 6.6.86		
2-82; 4.9.82	13-86; 11.7.86		
12-83; 6.17.83			

5.165

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5.165

Secure Enclosure. A structure in which an animal is confined such that the animal does not have access to humans or other animals. The structure will not be less than eight feet long, four feet wide and five feet tall. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the animal. The top of the structure must be covered.

9-72; 10.13.72	21-83; 11.29.83	5-9a	WP 1/co/00014/C
23-72; 11.3.72	4-85; 6.26.85		REV: 1/cr/00110/C
16-75; 12.26.75	5-86; 6.6.86		
2-82; 4.9.82	13-86; 11.7.86		
12-83; 6.17.83			

5.215(9)

Lane Code

5.220(3)

(9) In addition to the requirements of LC 5.215(1) above, a dog that has been classified as potentially dangerous shall not be released until the owner presents to the Director sufficient evidence of compliance with the restrictions imposed by LC 5.275 below. The owner shall have 10 days from the time of receipt of the impoundment notice in which to comply with the potentially dangerous dog restrictions. No dog impounded because of Level 5 behavior shall be released until the completion of any appeal requested by the owner of the dog pursuant to LC 5.270 below.

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]30 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. After June 30, 1989 licenses shall be valid for one, two or three years from the date of issuance or until 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 term of the license, is presented to the Animal Regulation Authority or duly authorized issuer.

12-72; 6.7.72	21-83, 11.29.83	5-17	WP 1/co/00014/C
19-72; 10.3.7	24-85; 6.26.85		REV: 1/cr/00110/C
23-72; 11.3.72	5-86; 6.6.86		
4-74; 7.1.74	13-86; 11.7.86		
16-75; 12.26.75	3-89; 5.12.89		
18-79; 1.9.80			
2-82; 4.9.82			

5.220(4)

Lane Code

5.225(4)

(4) Dog owners shall renew the dog license before it becomes delinquent. A late fee of \$10 will be charged if the license is renewed after it has become delinquent.

(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 late fee of \$10 will be charged if the license is renewed after it has become delinquent. 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 owner who needs and uses the dog as a seeing eye dog, hearing ear dog, or similar aide. 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 the dog as well as a regular dog license. The owner shall obtain the potentially dangerous dog license, within 10 days of the time the dog is classified and annually thereafter. The Animal Regulation Authority shall issue or renew a potentially dangerous dog license provided:

(a) The owner presents to the Director sufficient evidence of compliance with the restrictions imposed by LC 5.275 below; and

(b) The owner pays a potentially dangerous dog license fee in the amount established in LC 5.225(5) below.

12-72; 6.7.72	2-82; 4.9.82	5-18	WP 1/co/00014/C
4-74; 7.1.74	12-83; 6.17.83		REV: 1/cr/00110/C
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		
13-86; 11.7.86	3-89; 5.12.89		

5.225(5)

Lane Code

5.225(6)

- (5) Fees shall be as follows:
- (a) Dog license/Regular
 - One Year \$20.00
 - Two Years 35.00
 - Three Years 50.00
 - (b) Dog license/sterilized dog
 - One Year 5.00
 - Two Years 8.00
 - Three Years 12.00
 - (c) Dog license/senior citizen 65 or over
 - One Year 5.00
 - Two Years 8.00
 - Three Years 12.00
 - (d) Duplicate license 2.00
 - (e) Noncommercial kennel license 25.00
 - (f) Commercial kennel license 50.00
 - (g) Commercial breeding kennel 100.00
(three to 10 dogs over six months old, kept for breeding per year)
 - (h) Commercial breeding kennel 200.00
(11 dogs or more over six months old, kept for breeding per year)
 - (i) Impoundment 20.00
 - (j) Daily care (per day maximum) 8.00
 - (k) Watchdog permits 25.00
 - (l) Potentially dangerous dog 25.00
 - (m) Handling fee for unwanted animals:
 - Single Animal 10.00
 - Litter 15.00
 - Disposal for unwanted animals 5.00
 - (n) Late Fee for failing to renew dog license before it becomes delinquent 10.00

(6) If a dog owner has been fined or his or her dog has been classified or registered in another state, county or city because the dog engaged in the behaviors in LC 5.265 below, the owner shall notify the Animal Regulation Authority of such classification, registration or fine at the time the owner licenses the dog. If the Director classifies the dog pursuant to LC 5.270 below, the owner shall meet the requirements of LC 5.225(1) and (4) above.

12-72; 6.7.72

2-82; 4.9.82

5-19

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4-74; 7.1.74

12-83; 6.17.83

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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

13-86; 11.7.86 3-89; 5.12.89

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(a) Any person who is the licensed owner of a dog, or who has the right of property in a dog, or who, without regard to any ownership interest, 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

19-72; 10.13.72

5-8

WP 1/co/00014/C

16-75; 12.26.75

REV: 1/cr/00109/C

2-82; 4.9.82

12-83; 6.17.83

21-83; 11.29.83

4-85; 6.26.85

13-86; 11.7.86

3-89; 5.12.89

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by said owner. Except for purposes of LC 5.250, 5.255 and 5.260 below, 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, that the dog is not in that person's care, possession, custody, or control, or that the person does not knowingly permit the dog to remain on any premises occupied by the person [and is not caring for the dog].

Euthanasia. Putting an animal to death in a humane manner by a licensed veterinarian or a certified euthanasia technician.

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

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9-72; 10.13.72	21-83; 11.29.83	5-9	WP 1/co/00014/C
23-72; 11.3.72	4-85; 6.26.85		REV: 1/cr/00109/C
16-75; 12.26.75	5-86; 6.6.86		
2-82; 4.9.82	13-86; 11.7.86		
12-83; 6.17.83			

5.165

Lane Code

5.165

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9-72; 10.13.72 21-83; 11.29.83
23-72; 11.3.72 4-85; 6.26.85
16-75; 12.26.75 5-86; 6.6.86
2-82; 4.9.82 13-86; 11.7.86
12-83; 6.17.83

5-9a

WP 1/co/00014/C
REV: 1/cr/00109/C

5.215(9)

Lane Code

5.220(3)

(9) In addition to the requirements of LC 5.215(1) above, a dog that has been classified as potentially dangerous shall not be released until the owner presents to the Director sufficient evidence of compliance with the restrictions imposed by LC 5.275 below. The owner shall have 10 days from the time of receipt of the impoundment notice in which to comply with the potentially dangerous dog restrictions. No dog impounded because of Level 5 behavior shall be released until the completion of any appeal requested by the owner of the dog pursuant to LC 5.270 below.

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]30 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. After June 30, 1989 licenses shall be valid for one, two or three years from the date of issuance or until 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 term of the license, is presented to the Animal Regulation Authority or duly authorized issuer.

12-72; 6.7.72	21-83, 11.29.83	5-17	WP 1/co/00014/C
19-72; 10.3.7	24-85; 6.26.85		REV: 1/cr/00109/C
23-72; 11.3.72	5-86; 6.6.86		
4-74; 7.1.74	13-86; 11.7.86		
16-75; 12.26.75	3-89; 5.12.89		
18-79; 1.9.80			
2-82; 4.9.82			

5.220(4)

Lane Code

5.225(4)

(4) Dog owners shall renew the dog license before it becomes delinquent [for as long as they own the dog]. A late fee of \$10 will be charged if the license is renewed after it has become delinquent.

(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 late fee of \$10 will be charged if the license is renewed after it has become delinquent. 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] owner who needs and uses the dog as a [guide] seeing eye dog, hearing ear dog, or similar aide. 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 the dog as well as a regular dog license. The owner shall obtain the potentially dangerous dog license, within 10 days of the time the dog is classified and annually thereafter. The Animal Regulation Authority shall issue or renew a potentially dangerous dog license provided:

(a) The owner presents to the Director sufficient evidence of compliance with the restrictions imposed by LC 5.275 below; and

(b) The owner pays a potentially dangerous dog license fee in the amount established in LC 5.225(5) below.

12-72; 6.7.72	2-82; 4.9.82	5-18	WP 1/co/00014/C
4-74; 7.1.74	12-83; 6.17.83		REV: 1/cr/00109/C
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		
13-86; 11.7.86	3-89; 5.12.89		

- (5) Fees shall be as follows:
- | | |
|---|--------------|
| (a) Dog license/Regular | \$[15.00] |
| [After June 30, 1989] | |
| One Year | [15.00]20.00 |
| Two Years | [25.00]35.00 |
| Three Years | [35.00]50.00 |
| (b) Dog license/[neutered]sterilized dog | [5.00] |
| [After June 30, 1989] | |
| One Year | 5.00 |
| Two Years | 8.00 |
| Three Years | 12.00 |
| (c) Dog license/senior citizen 65 or over | [5.00] |
| [After June 30, 1989] | |
| One Year | 5.00 |
| Two Years | 8.00 |
| Three Years | 12.00 |
| (d) Duplicate license | 2.00 |
| (e) Noncommercial kennel license | 25.00 |
| (f) Commercial kennel license | 50.00 |
| (g) Commercial breeding kennel | 100.00 |
| (three to 10 dogs over six months old, kept for breeding per year) | |
| (h) Commercial breeding kennel | 200.00 |
| (11 dogs or more over six months old, kept for breeding per year) | |
| (i) Impoundment | 20.00 |
| (j) Daily care (per day maximum) | 8.00 |
| (k) Watchdog permits | 25.00 |
| (l) Potentially dangerous dog | 25.00 |
| (m) Handling fee for unwanted animals: | |
| Single Animal | 10.00 |
| Litter | 15.00 |
| Disposal for unwanted animals | 5.00 |
| (n) <u>Late Fee for failing to renew dog license before it becomes delinquent</u> | <u>10.00</u> |

(6) If a dog owner has been fined or his or her dog has been classified or registered in another state, county or city because the dog engaged in the behaviors in LC 5.265 below, the owner shall notify the Animal Regulation Authority of such classification, registration or fine at the time the owner licenses the dog. If the Director classifies the dog pursuant to LC 5.270 below, the owner shall meet the requirements of LC 5.225(1) and (4) above.

12-72; 6.7.72	2-82; 4.9.82	5-19	WP 1/co/00014/C
4-74; 7.1.74	12-83; 6.17.83		REV: 1/cr/00109/C
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		
13-86; 11.7.86	3-89; 5.12.89		