

[Article Five was extensively revised by Ordinance 15-11-012L, effective January 1, 2016]

## ARTICLE FIVE -- ANIMAL CONTROL

### DIVISION ONE – GENERAL PROVISIONS

#### SECTION 05.01.010                      PURPOSE

This Article shall be known as “Animal Control.” The purpose of the Animal Control Article is to provide rules and regulations governing the keeping, licensing, and control of dogs and other animals in Coos County. Further, to reflect the needs and realities of animal control and animal welfare issues by creating ordinances that are enforceable, reflective of community expectations, and a practical tool in our efforts to hold animal Owners accountable to reasonable standards of responsibility for their animals, while protecting all citizens and animals of the County.

#### SECTION 05.01.020                      RELATIONSHIP TO STATE LAW

Oregon Revised Statutes Chapter 609 shall apply in Coos County except where expressly superseded by this Article. ORS 609.015(1) authorizes County ordinances to supersede the provisions of ORS Chapter 609.

#### SECTION 05.01.030                      COOPERATION WITH CITIES

- (1) Nothing in this Article is intended to supersede any city ordinance enacted for the purpose of controlling dogs or other animals within the corporate limits of the city.
- (2) The Board of Commissioners may enter into written agreements, with any incorporated city located within the County, relating to coordination and cooperation of efforts for the control of dogs or cats within the County.

#### SECTION 05.01.040                      DEFINITIONS

As used in any Division of this Article, unless the context requires otherwise:

- (1) “Animal” means any nonhuman mammal, bird, reptile, amphibian, or fish.
- (2) “Animal-at-Large” means any of the following:
  - (a) A dog that is not physically restrained by leash, tether, or other physical control device and under the physical control of a capable person, unless in an enclosed area specifically designated for animals to be without a leash or on its Owner’s

- or Keeper's own property; or
- (b) An animal that, even if physically restrained, is on public or private property where it is not authorized to be.
- (3) "Animal rescue entity" means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary, animal foster home or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility that keeps, houses, and maintains in its physical or legal custody 10 or more animals and that solicits or accepts donations in any form.
- (4) "Assistance Animal" means a dog or other animal that has been individually trained to do work or perform tasks for the benefit of an individual as defined in ORS 659A.143(1)(a).
- (5) "Board of Commissioners" means the governing body of Coos County.
- (6) "Commercial Dog Kennel" means a place of business for the care of dogs or cats, or both, including but not limited to the boarding, grooming, breeding, training or selling of dogs or cats, or both. The term is not intended to include an animal hospital or a non-commercial kennel.
- (7) "Dog or Cat Owner", or "Dog or Cat Keeper" means:
- (a) Any person, firm, association or corporation who is the licensed owner of a dog or cat, or who has a right of property in a dog or cat, or who harbors a dog or cat, or who has it in said person's care, possession, custody or control, or who knowingly permits a dog or cat to remain on any premises occupied by said person. Except for purposes of Section 05.04.030, owner does not include veterinarians or commercial kennel operators temporarily maintaining dogs or cats, or both that are owned by other persons, on their premises for a period of not more than thirty (30) days.
- (b) Any person, except a veterinarian or commercial kennel operator, who resides where a dog or cat is kept, harbored or cared for shall be presumed to be the owner of that dog or cat. This presumption may be rebutted by proof that such person has no property right in the dog or cat, is not the licensed owner of the dog, is not harboring the dog or cat, and is not caring for the dog or cat.
- (8) "Licensing Officer" means the Clerk for Coos County or any person the Clerk designates to issue licenses and receive fees required by this Article.
- (9) "Neutered Dog or Cat" means a dog or cat made sterile by the removal of the ovaries and uterus, ovarian hysterectomy, in a female dog or cat; the removal of the male gonads in the male dog or cat, and any other method of neutering a dog or cat which is certified by a licensed veterinarian.

- (10) "Non-Commercial Dog Kennel" means an establishment or premises where five (5) or more dogs, over six (6) months of age, are kept or maintained for the hobby of the householder. This term does not include an animal hospital.

SECTION 05.01.050

ESTABLISHMENT OF DOG CONTROL DISTRICT

The Board of Commissioners has declared Coos County a dog control district. The Board of Commissioners are the supervisors of the Coos County Dog Control District, and will provide for administration and enforcement of a dog control program.

## DIVISION TWO – LICENSES AND FEES

### SECTION 05.02.010

### RESERVED

### SECTION 05.02.020

### DOG LICENSES AND TAGS

- (1) Dogs shall be licensed as provided for by ORS Chapter 609, except that the fees to be charged for licenses and tags shall be the fees established by this Division, rather than the suggested fees set out in Chapter 609. Before issuance of a license, the owner must present a Rabies Vaccination Certificate or written statement from a licensed veterinarian stating that a rabies vaccination would be detrimental to the dog's health.
- (2) A license tag issued to the dog shall be securely attached and visible on the dog for which it is issued.
- (3) Licenses shall be valid for one (1) year from the date of issuance or until the expiration of the rabies immunity, whichever first occurs. A dog owner shall renew the dog license before it becomes delinquent for as long as he or she owns the dog.
- (4) If an identification tag is lost, the owner may obtain a duplicate identification tag upon satisfactory proof of loss and payment of the sum established in Section 05.02.050.
- (5) No license fee shall be required for any dog that is an Assistance Animal. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing of an affidavit by the person showing such dog to fall within this exemption. Such affidavit shall be filed with and subject to approval by the Licensing Officer.
- (6) Any person who fails to comply with any of subsections (1) through (5) commits a Class C Civil Infraction.

### SECTION 05.02.030

### KENNEL LICENSE

- (1) Any person who is the Owner or Keeper of five (5) or more dogs over six (6) months of age may not operate a kennel without first obtaining a kennel license.
- (2) Any person who is the Owner or Keeper of a dog that has been classified as a dangerous dog is ineligible for a Kennel license.
- (3) Every person operating a kennel, whether commercial or non-commercial, shall procure a kennel license by paying to the licensing officer an annual license fee, as provided in Section 05.02.050. Before issuance of a kennel license, owners of commercial kennels must present prior proof of a Rabies Vaccination Certificate only for dogs owned by the license applicant at the time application for the license is made. Applicants for non-commercial licenses must present prior proof of a Rabies Vaccination Certificate for all dogs

- owned by the applicant.
- (4) Kennel licenses are in lieu of individual dog licenses and shall be valid for one (1) year from the date of issuance or until the expiration of the earliest rabies immunity, whichever occurs earlier. Dogs licensed under this section must at all times be confined to the kennel premises so as not to be at large. No dog that has been classified as a dangerous dog may be licensed under this section.
  - (5) A kennel operator, whether of a commercial or non-commercial kennel, shall renew the kennel license before the expiration of the license for as long as he or she operates the kennel.
  - (6) Any person who fails to comply with any of subsections (1) through (5) commits a Class B Civil Infraction.
  - (7) A kennel license does not in any way exempt the holder from their responsibility of complying with any other provision of Coos County Code, zoning or permitting requirements, or other applicable law, unless specifically provided for by law.

SECTION 05.02.040      ANIMAL RESCUE ENTITY

- (1) Any Animal Rescue Entity operating, in whole or in part, in Coos County shall obtain a certificate of registration from the Licensing Officer prior to beginning operations.
- (2) The Animal Rescue Entity shall procure an Animal Rescue Entity certificate by paying to the Licensing Officer an annual license fee, as provided in Section 05.02.050.
- (3) An animal rescue entity may not transfer a certificate of registration issued under this section to another person without the written consent of the Licensing Officer.
- (4) Whenever a Coos County authorized representative is advised or has reason to believe that an animal rescue entity is operating without a certificate of registration, the representative may visit and conduct an on-site investigation of the premises of the suspected animal rescue entity. The purpose of the investigation is to determine whether the animal rescue entity is subject to the registration requirements of this section.
- (5) Animal Rescue Entity License applicants must comply with ORS 609.415 and ORS 609.420 and all other applicable regulations and law. An Animal Rescue Entity License does not in any way exempt the holder from their responsibility of complying with any other provision of Coos County Code, zoning or permitting requirements, or other applicable law, unless specifically provided for by law.
- (6) At any reasonable time, an authorized representative of Coos County, a law enforcement agency, or the United States Department of Agriculture may conduct an on-site investigation to determine whether the entity is in compliance with this section and Oregon law.

- (7) Any person who fails to comply with any of subsections (1) through (6) commits a Class B Civil Infraction.

SECTION 05.02.050

LICENSES AND OTHER FEES

- (1) A dog license fee and other fees shall be due and payable upon the issuance of the license or redemption of an impounded animal.
- (2) The County Clerk shall keep a record of each Dog, Kennel, and Animal Rescue Entity license issued under this Article.
- (3) For a specific fee amount, refer to the Coos County Fee Schedule.
- (4) In addition to any fees listed in the Coos County Fee Schedule, the following redemption fees may be applied:
  - (a) Actual cost of medical care fees, if required.
  - (b) Microchipping fees, if required.

DIVISION THREE – ANIMAL SHELTER OPERATIONS

SECTION 05.03.010

RESERVED

SECTION 05.03.020

REDEMPTION AND SALE

- (1) Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and by paying the required fees and charges, as specified in Section 05.02.050.
- (2) An impounded animal shall be kept for a minimum of three (3) days if without a license and for at least five (5) days if it has a license, before being sold or euthanized.
- (3) An impounded animal may be sold, but for the following purposes only:
  - (a) As a pet; or
  - (b) To perform as a working animal provided such work does not by definition subject the animal to physical harm or inhumane conditions. Acceptable work functions include but are not limited to assistance animals, livestock protection or control, guard, tracing or detection work and performing animals; or
  - (c) For use as a blood donor under the supervision of a licensed veterinarian.

The Animal Shelter shall refuse to sell an animal if the person making the sale reasonably believes that the animal will be used for any purpose other than those specified in this subsection (3). Any person purchasing an animal shall be required to supply a driver's license or other similar identification. No more than two (2) animals may be sold to any one family or individual within a six (6) month period unless upon special application by the purchaser specifying the reason for purchasing that number of animals and the person making the sale reasonably believes that such animals will not be used for any purpose other than those specified in this subsection.

- (4) No live animal shall be sold by the Animal Shelter for any of the follow purposes:
  - (a) Surgical or medical demonstration or vivisection.
  - (b) Biological or medical experimentation.
  - (c) Uses prohibited by local, state or federal law.This subsection does not prohibit the selling of a live animal for uses allowed by Section 05.03.020(3)(c).
- (5) Any dog sold by the Animal Shelter shall first receive a rabies vaccination, and shall be sold subject to licensing and fees at the time of purchase.
- (6) The Animal Shelter may euthanize animals only in the following circumstances:
  - (a) An animal is sick or injured; or
  - (b) To prevent the number of animals at the Animal Shelter from

- exceeding the capacity of the Animal Shelter; or
  - (c) There is insufficient food to feed all the animals at the Animal Shelter; or
  - (d) An animal is hazardous to humans or other animals; or
  - (e) An animal is specifically requested by the owner in writing to be euthanized.
- (7) The Animal Shelter Operator or Animal Control Officer, and supervisor shall mutually agree when, if, and which animals in the care and custody of the Animal Shelter should be euthanized. If either the Animal Shelter Operator or Animal Control Officer, and supervisor is unavailable, the Sheriff shall serve in their place. An animal in the care and custody of the Animal Shelter may be euthanized by any method permitted under state law.
- (8) Any animal given to the Animal Shelter by the owner for disposal shall be sold or euthanized pursuant to the provisions of this section.

SECTION 05.03.030

SICK OR INJURED DOGS OR CATS

- (1) Any sick or injured dog or cat found by an Enforcement Officer or Animal Control Officer off the premises of the owner shall be delivered to its owner. Any such dog or cat for which the owner is either unknown or cannot be reached after reasonable attempts to do so, shall be delivered by the Animal Control Officer to a veterinarian for medical treatment. Upon delivery to a veterinarian, the following procedures shall apply:
  - (a) When the dog is unlicensed and the owner is unknown, the veterinarian shall determine whether the dog is so severely injured or incurably crippled that the humane thing to do would be to destroy the dog. If the determination is made to destroy the dog, the dog may be destroyed immediately. If the veterinarian determines instead that the dog should be given treatment, such treatment may be given, provided, however, the dog may be destroyed if unclaimed by its owner within three (3) days after being delivered to the veterinarian. This subsection applies to all cats whose owner is unknown.
  - (b) When the dog is licensed or the owner is known and cannot be reached, a veterinarian shall determine whether the dog is so severely injured or incurably crippled that the humane thing to do would be to destroy the dog. If the determination is made to destroy the dog, the dog may be destroyed immediately. If the veterinarian determines instead that the dog should be given treatment, such treatment may be given; provided, however, that the dog may be destroyed if unclaimed by its owner within five (5) days after being delivered to the veterinarian. This subsection applies to all cats whose owner is known.



- (2) Any Enforcement Officer or Animal Control Officer may humanely destroy a dog or cat too severely injured to move and not on the property of its owner, when the owner is either unknown or cannot be reached after reasonable attempts to do so.
- (3) Arrangements for fees, selection of veterinarians, liability of veterinarians, etc., shall be determined by separate contracts between the Board of Commissioners and individual veterinarians.
- (4) The owner shall be liable for any boarding, care and medical expenses incurred in accordance with this section.

## DIVISION FOUR – ENFORCEMENT AND DANGEROUS DOGS

### SECTION 05.04.010

### RESERVED

### SECTION 05.04.020

### OFFICER ENFORCEMENT

- (1) Before entering onto private land, an Enforcement Officer or Animal Control Officer shall obtain consent of the person with authority to give consent, unless they have a warrant or warrant exception that authorizes entry.
- (2) If the owner or occupant is not willing or able to consent or cannot be found, an Enforcement Officer or Animal Control Officer shall obtain a warrant before entering onto private property.
- (3) An Enforcement Officer or Animal Control Officer in the course and scope of the officer's duties has the privilege of entering onto private land only if there is probable cause to believe that there is imminently hazardous, unsafe, or dangerous circumstances requiring immediate action to avoid serious damage to property, serious injury or death.
- (4) Any Enforcement Officer or Animal Control Officer may impound an animal if there is probable cause to believe that a civil infraction of this Article has occurred and the animal is the subject of that alleged civil infraction. The Animal Shelter may hold said animal until the resolution of that civil infraction, and the owner or keeper of the animal shall be responsible for the fees as provided in this Article.
- (5) Any person who fails to surrender an animal to an Enforcement Officer or Animal Control Officer when presented with a warrant or order from the court or hearings officer or an Enforcement Officer's demand based on probable cause of a civil infraction, commits a Class B Civil Infraction.
- (6) Any person who intentionally resists, uses or threatens the use of physical force, or otherwise puts the Enforcement Officer or Animal Control Officer at risk of physical injury commits a Class B Civil Infraction.

### SECTION 05.04.030

### DOGS RUNNING AT LARGE

- (1) No dog owner shall permit a dog to run at large. As used in this section, "running at large" does not include:
  - (a) Use of a dog under the supervision of a person in order to legally hunt, chase trap, or tree wildlife;
  - (b) Use to control or protect livestock; or
  - (c) Use in other related agricultural activities.
- (2) Any dog Owner or Keeper who permits a dog to run at large commits a Class C Civil Infraction.

SECTION 05.04.040

IDENTIFICATION OF DANGEROUS DOGS

- (1) The Owner or Keeper of a dog determined to be dangerous, pursuant to this section, shall have the dog identified by a microchip implant. A reasonable fee for microchipping shall be charged to the Owner or Keeper of a dangerous dog that is microchipped at the animal shelter prior to being released. The dog may also be required to wear an identifying collar and ID tag as determined by Animal Control.
- (2) The Owner or Keeper of a dog determined to be dangerous, shall provide Animal Control with the address where said dog is kept, and shall immediately notify Animal Control if said dog is no longer kept at that address for more than twenty-four (24) hours due to the dog running away, being given away, sold, euthanized, or for any other reason, and provide Animal Control with the name, address, and phone number of any new Owner or written verification of euthanasia of said dog.
- (3) Failure to comply with Subsections (1) and (2) are a Class C Civil Infraction.

SECTION 05.04.050

DANGEROUS DOGS – PENALTIES

- (1) Class C Civil Infraction dangerous 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, but does not cause physical injury.
- (2) Class B Civil Infraction dangerous 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, or while confined bites any person and does not cause serious physical injury.
- (3) Class A Civil Infraction dangerous behavior is established if a dog, while at large, bites or causes physical injury to any domestic animal or livestock, or bites any person.
- (4) Class A Civil Infraction extremely dangerous behavior is established if:
  - (a) A dog kills or mortally injures any domestic animal or livestock, unless the domestic animal or livestock is trespassing upon the property where the dog is authorized to be; or
  - (b) A dog, whether or not confined, causes the serious injury or death of any person.
- (5) The class of dangerous behavior may be mitigated if the Owner or Keeper establishes that the dog acted in response to being abused,

tormented, or attacked, was directed toward a trespasser or there were similar mitigating or extenuating circumstances.

SECTION 05.04.060

DANGEROUS DOGS – FURTHER REQUIREMENTS

- (1) In addition to the other requirements of this Animal Control Article, the Owner of a dog that has committed dangerous behavior as described herein shall comply with the following restrictions in addition to any other restrictions the court deems reasonable under the circumstances:
  - (a) If the dog has engaged in Class C Civil Infraction dangerous behavior, the dog shall be restricted by a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property whenever the dog is outside the Owner's home or when not on a leash off the Owner's property.
  - (b) If the dog has engaged in Class B Civil Infraction dangerous behavior the Owner shall confine the dog within a Secure Enclosure whenever the dog is not on a leash off the Owner's property or inside the home of the Owner.
  - (c) If the dog has engaged in Class A Civil Infraction dangerous behavior the Owner shall confine the dog within a Secure Enclosure whenever the dog is not on a leash off the Owner's property or inside the home of the Owner and may also be required to post warning signs on the property where the dog is kept.
  - (d) Any dog that has been found to have engaged in Class A Civil Infraction extremely dangerous behavior may be euthanized. In addition, the court has the authority to suspend, for a period of time, the dog Owner's right to be the Owner of any dog in Coos County, including dogs currently owned by that person.
- (2) In addition to the normal licensing fees established in Section 5.02.050, there shall be an additional licensing and supervision fee for dogs that have been determined to have engaged in dangerous behavior. This additional fee shall first be payable at the time that determination is made, and renewals are due upon the anniversary of the determination.
- (3) A person whose dog has been classified as a dangerous dog, and who has complied with the restrictions imposed for at least one (1) year, may request in writing that the restrictions be lifted or reduced. Modifications to the restrictions or declassification of the dog may be made at the discretion of the Board of Commissioners upon consideration of proof of additional training, successful temperament testing, or other evidence that the dog's dangerous behavior has been mitigated.