

**CITY OF CONDON**  
**ORDINANCE 2016-03**

**An ORDINANCE REPEALING THE CURRENT CHAPTER IN ITS ENTIRETY AND  
REPLACING WITH ORDINANCE 2016-03**

**CHAPTER 91: ANIMALS**

Section

- 91.01 Purpose
- 91.02 Definitions
- 91.03 Duties of animal owner
- 91.04 Animals at large prohibited
- 91.05 Barking and howling prohibited
- 91.06 Animal waste matter
- 91.07 Rabies vaccinations
- 91.08 License, registration, fees and exceptions
- 91.10 Sick or injured animals
- 91.11 Animal impoundment
- 91.12 Disposition of impounded animals
- 91.13 Dangerous animals
- 91.14 Fighting animals prohibited
- 91.15 Betting on fighting animals prohibited
- 91.16 Reporting of biting animals
- 91.17 Quarantine of biting animals
- 91.18 Animals as a public nuisance
- 91.19 Animal abuse
- 91.20 Animal neglect prohibited
- 91.21 Dead animals; removal of carcasses
- 91.22 Keeping feral animals
- 91.23 Raising livestock prohibited
- 91.24 Entry onto private land/premises; search warrant/seizure of animals
- 91.25 Failure to surrender animal

- 91.26 Resisting an animal control officer or peace officer
- 91.27 Interfering with an animal control officer or peace officer
- 91.28 Unlawful possession of a domesticated animal
- 91.29 Domestic fowl or Poultry

91.30 Enforcement authority

91.99 Penalty

#### **§ 91.01 PURPOSE**

An Animal Control Authority for the City of Condon is hereby established, for the purpose of providing for the health, welfare and safety of citizens within the corporate boundaries of the city, and for the health, welfare, and safety of their animals.

#### **§ 91.02 DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any nonhuman animal species that include mammals, reptiles, amphibians, birds and fish.

**ANIMAL CONTROL AUTHORITY.** The animal control enforcement authority appointed by the city.

**ANIMAL CONTROL OFFICER.** An officer of the Animal Control Authority, or a peace officer. An **ANIMAL CONTROL OFFICER** may also be a sworn peace officer as defined in O.R.S. 161.015(4), whose primary duties include enforcement of municipal ordinances regarding animal control, and investigation of offenses against animals under O.R.S. 167.310 to 167.390. Other persons may also be assigned as needed to carry out the duties of the animal control officer.

**ANIMAL OWNER.** A person who is the owner of a licensed or registered animal, who has the right of property in an animal, who harbors an animal or exercises care, possession, custody or control of an animal, or who knowingly permits an animal to remain on any premises occupied by the person. Any person who resides where an animal is kept, harbored or cared for, is presumed to be the owner of that animal. This presumption may be rebutted by proof that the person has no property right in the animal, is not the licensed owner and is neither harboring nor caring for the animal. For the purpose of this definition, veterinarians and commercial kennel operators are not considered animal owners.

**ABANDONED ANIMAL.** Any animal left without proper food and water, or other sustenance for a period of more than 24 hours, or a barking dog left without supervision for a period of more than 24 hours. An impounded animal, unredeemed or unclaimed by its owner after 120 hours may also be considered abandoned. Any animal abandoned under O.R.S. 167.340.

**AT LARGE.** Any pet, domestic or companion animal off the owners or custodian's premises, and not on a leash or under control of the owner or custodian. (ORS 609.035(7) by reference therein).

## CONDON— GENERAL REGULATION

**DANGEROUS ANIMAL.** An animal which has the propensity to menace, bite, or attack any person or other animal without provocation, and the capacity to inflict serious harm on that person or other animal. It shall be presumed that any animal which has injured a human being or other animal without provocation is a **DANGEROUS ANIMAL**. This section incorporates the terms of ORS 161.015.

**DOMESTICATED ANIMAL.** An animal that has been trained or made tame and is dependent upon its owner for necessities (i.e. food, water, shelter, etc.).

**FERAL ANIMAL.** Animals born and reared in the wild, or any animal not domesticated or not reared as livestock, with an ability to survive without constant human companionship, care or maintenance.

**FIGHTING ANIMALS.** Any animal expressly bred, trained, or maintained for the purposes of animal fighting. Any animal, especially dogs or fowl, engaged or subjected to combat for sport or wager. (ORS 167.428-439, 167.355, and 372)

**HUMANE.** Reasonable care and maintenance of an animal, so as to minimize pain or discomfort.

**HUMANE DESTRUCTION.** Destruction or euthanasia of an animal accomplished by means that minimizes pain and suffering.

**INTERFERE.** To act in an intentional manner that prevents, or attempts to prevent an animal control officer or peace officer from performing lawful duties, regarding an animal or animal owner.

**KENNEL.** An enclosed and contained structure in which animals are sheltered and cared for, especially dogs.

**LEASH.** A humane device constructed of rope, leather strap, chain or other sturdy material, not exceeding eight feet in length, is retractable to within eight feet, and is designed to be held in the hand of a person capable of physically controlling the animal to which it is attached and is of sufficient strength to restrain the animal.

**LIVESTOCK.** Cows, sheep, horses, swine, and any fur-bearing animal bred and maintained commercially or otherwise within a pen, cage or hutch.

**MINIMUM CARE.** The care sufficient to preserve the health and well being of an animal.

**NEUTER.** The removal of the ovaries and uterus in female animals. The removal of gonads or testes in male animals.

**NUISANCE.** A state in which an animal, because of its behavior, disturbs and disrupts the peace and tranquility, or threatens the welfare of residents or other animals, within the corporate boundaries of the city.

**PEACE OFFICER.** A city police officer or other officer specified in O.R.S 161.015.

**RESIST.** The use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to a person.

### § 91.03 DUTIES OF ANIMAL OWNER.

Any animal owner within the corporate boundaries of the city must provide the animal with a minimum level of care. Violation of this section is a Class C violation. Duties include the following:

- a) Every animal owner shall provide the animal with food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
- b) Every animal owner shall provide the animal with open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. (Snow or ice is not an adequate water source.)
- c) Every animal owner shall provide the animal with access to a doghouse, or other enclosed structure sufficient to protect the animal from the elements (i.e. wind, rain, snow, sun). Trees are not acceptable shelters under this chapter. The shelter must also have adequate bedding to protect the animal against cold and dampness.

- d) Every animal owner has a responsibility to provide an animal with veterinary care necessary to relieve distress from injury, neglect or disease.
- e) Pets or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest.
  - (1) The air temperature in any confinement area must be suitable for the animal involved.
  - (2) Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health. Penalty, see § 91.99

#### **91.04 ANIMALS AT LARGE PROHIBITED.**

No person shall allow an animal under his or her care to be at large. Violation of this section is a Class C Violation. Penalty, see § 91.99.

#### **§ 91.05 BARKING AND HOWLING PROHIBITED.**

No person shall allow an animal under his or her care to bark, howl, or whine in such a manner that it unreasonably deprives another person of peace and quiet. Violation of this section is a Class C violation. Penalty, see § 91.99

#### **§ 91.06 ANIMAL WASTE MATTER.**

A) (1) It is a violation for any person to allow an animal under their care to defecate on any improved property (that does not belong to the animal owner), public thoroughfare, easement, or right-of-way. Violation of this section is a Class C violation.

(2) It shall be a defense to a violation of this division if the animal owner immediately removes the waste matter.

B) (1) It is also a violation of this chapter to allow animal waste matter to accumulate on the animal owner's property for more than a seven-day period, or to the extent the accumulated animal waste matter causes an offensive odor to others, outside the boundaries of the animal owner's property. Violation of this section is a Class C violation.

(2) It shall be a defense to a violation of this division if the animal owner contains the animal waste matter in material or a medium that absorbs or blocks the odor. Penalty, see § 91.99

#### **§ 91.07 RABIES VACCINATIONS.**

Every owner of a dog, six months of age or older, shall immediately cause the animal to be vaccinated for rabies. Violation of this section is a Class A violation. Penalty, see § 91.99

#### **§ 91.08 LICENSE, REGISTRATION, FEES AND EXCEPTIONS.**

A) License for dogs.

- 1) Every owner of a dog that has a set of permanent canine teeth or is six months old shall procure a license for the dog by March 1 of every year or within 30 days after the person becomes the keeper of the dog. Violation of this section is a Class C violation.
- 2) Licenses shall be for one year and due March 1 of each year, or until the sale or gift of the animal, whichever occurs first. Dog licenses are non-transferable.

- 3) No dog license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the Animal Control Authority or representative. A dog owner may prepay the license fee, however, before a license tag is issued. Prepaying a license fee does not satisfy licensing requirements for this chapter.
  - 4). Dog owners shall renew animal licenses on or before July 1 thereafter for as long as they own the animal. Violation of this section is a Class C violation.
  - 5). It shall be a defense to a violation of division A) and A)(4) of this section, if the animal owner demonstrates the dog in question is deceased, has been given to someone else, or is no longer under the owner's care, before the license expires. Demonstration that the dog in question belongs to someone else includes a bill of sale or transfer, with the new owner's name, address, phone number and other applicable information.
  - 6). A license tag issued to a dog owner shall be attached securely to a collar or harness of the animal for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee. Violation of this section is a Class C violation.

B). FEES.

- 1) Fees which are due and payable upon the issuance of a dog license, and other fees required to be paid under the provisions of this chapter, shall be set by Council resolution and amended regularly.

C) LICENSE FEES; EXCEPTIONS.

- 1) No license fee is required for an assistance animal as defined by O.R.S. 346.680. Proof of rabies vaccination is also required before a license for assistance animal is issued.
- 2) Commercial kennel owners/operators within the corporate boundaries of the city shall not be required to license animals under their care. Commercial kennel owners/operators must meet all zoning/planning requirements prior to operation.

**§ 91.09 ABANDONED ANIMALS .**

A) 1) It is a violation of this chapter for an animal owner to abandon an animal. Abandonment is defined as leaving any animal in any place public or private without providing for the continued care of the animal and the needed food, water and shelter or needed veterinary care. In the case of a dog impounded by the animal control officer or peace officer, as a stray by private citizen, an animal is presumed to be abandoned by its owner if the owner has been notified of the animal's impoundment and they have taken no affirmative action to redeem the animal for a period of five (5) days from the date of notice of impoundment. If the owner refuses to redeem or pay fees for the animal, or, make other arrangements for the long term care of the animal the owner may be cited for Abandonment and the animal will be placed for adoption or disposed of. Violation of this section is a Class A violation.

2) It is no defense if the person intentionally or knowingly abandons an animal near an animal shelter, veterinary clinic or other place of shelter if the animal owner, or responsible person responsible for the disposition of the animal, did not make reasonable arrangements for the care of the animal.

B) Any animal control officer, upon finding an abandoned animal, may:

- 1) Provide food and water and arrange for the needed medical service for the abandoned animal. The animal owner shall pay for such services.
- 2) Impound the abandoned animal. Penalty, see § 91.99

**§ 91.10 SICK OR INJURED ANIMALS.**

A) The animal control officer may deliver a sick or injured animal to its owner, if the animal is found away from the owner's property. If, after a reasonable attempt is made to contact the owner and the animal control

officer is unable to do so, he may deliver the injured or sick animal to a veterinarian if one is available. An animal owner will bear all costs and medical expenses incurred in accordance with this section.

- A) An animal control officer may humanely destroy any animal too ill, or severely injured, and not on the property of its owner, when the owner is unknown or cannot be reached after a reasonable attempts to do so.
- C) An animal owner may release a sick or injured animal to the Animal Control Authority for humane destruction, or euthanasia. However, the animal owner shall bear the cost, as set forth in the fee schedule. Release means the signing of a euthanasia form that waives interest and ownership after fees are paid.
- D) It is a violation of this chapter for an animal owner to deprive a sick or injured animal of medical care, or attention. Violation of this section is a Class A violation.
- E) It is a violation of this chapter for an animal owner to fail to humanely destroy or to provide for the humane destruction of an animal too ill or severely injured to move. Violation of this section is a Class A violation. Penalty, see § 91.99

#### **§ 91.11 ANIMAL IMPOUNDMENT**

- A) *Authority to impound.* An animal control officer may impound any animal in violation of this chapter.
- B) *Notice of impoundment.*
  - 1) As soon as practical, notice of impoundment shall be posted at the home of the animal owner (if known), transmitted via telephone or electronic media, and mailed to the animal owner.
  - 2) The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for redemption, the fees for impoundment and the related maintenance, and the consequences for failing to redeem the animal.
  - 3) If the animal is unlicensed (or the owner is otherwise unknown) and is not redeemed within 120 hours, the animal may be sold or destroyed.

#### **§ 91.12 DISPOSITION OF IMPOUNDED ANIMALS**

The animal control authority shall dispose of animals in accordance with the following provisions:

- A) Animals not redeemed within 120 hours after impoundment may be sold or destroyed (by any Certified Euthanasia Technician). Additionally, the owner (if known) may be issued a citation for animal abandonment.
- B) Redemption of an impounded animal shall be made by exhibiting proof of ownership and by paying impoundment, daily care, and licensing fees (if applicable). Additionally, animal owners must reimburse the city for any medical costs incurred, prior to release of the impounded animal.
- C) The animal control authority may require an adoptive or prospective animal owner to prepay animal licensing fees before releasing the animal. Additionally, an adoptive or prospective animal owner may be required to sign a promissory statement indicating the animal will be neutered within 30 days of adoption. Penalty, see § 91.99
- D) No live animal shall be sold or otherwise released by the Animal Control Authority for surgical or medical demonstration or vivisection. Penalty, see § 91.99

#### **§ 91.13 DANGEROUS ANIMALS**

- A) No person shall expose the public to a dangerous animal. Violation of this section is a Class A violation.
- B) A dangerous animal may be impounded by an animal control officer and disposed of, pursuant to the procedures outlined in §§ 91.11 and 91.12.
- C) The owner of a dangerous animal that has been impounded may apply to the Justice Court judge for a re-

lease of the animal within 120 hours of the impound date and time. The judge shall set a time and place for hearing the application and notify the impoundment officer, and upon a summary hearing, shall determine whether the animal has been wrongfully impounded and whether it shall be returned to its owner, and upon what terms.

- D) Before the dangerous animal is released, the justice court judge must enter findings that proper precautions will be taken to insure the public health and safety.
- E) A dangerous animal running at large which, because of its disposition or diseased condition, is too hazardous to apprehend, may be summarily destroyed by the animal control officer, or by a person acting in self-defense without notice to or consent of the animal's owner. Penalty, see § 91.99

#### **§ 91.14 FIGHTING ANIMALS PROHIBITED.**

It is a violation of this chapter for anyone to possess, breed, harbor, or maintain any animal for the purpose of subjecting it to combat with another animal for sport or wager. Violation of the section is a Class A Violation. Penalty, see § 91.99

#### **§ 91.15 BETTING ON ANIMAL FIGHTS PROHIBITED.**

It is a violation of this chapter for any person to place wagers or bets on animals engaged in combat or the outcome of an animal fight. Violation of this section is a Class A violation. Penalty, see § 91.99

#### **§ 91.16 REPORTING OF BITING ANIMALS.**

- A) The owner of an animal which bites a human shall immediately notify the Animal Control Authority of the bite, the time and circumstances of the bite, and the name and address of the person bitten (if known). The animal owner must also immediately present proof that the animal in question has a current rabies vaccination.
- B) Any person who is bitten by an animal shall immediately notify the Animal Control Authority of such bite, and the name and address of the owner, if known.
- C) When a doctor, veterinarian, hospital employee, or other person, has information that an animal has bitten a person, the person shall immediately notify the Animal Control Authority.
- D) Failure of any person to notify the Animal Control Authority of an animal bite shall be in violation of this chapter. Violation of this section is a Class A violation. Penalty, see § 91.99

#### **§ 91.17 QUARANTINE OF BITING ANIMALS**

- A) Upon notice that an animal has bitten someone, the Animal Control Authority shall cause the animal owner to quarantine the animal for a ten day observation period and shall also cause a quarantine notice to be delivered to the animal owner. The animal maybe quarantined:
  - 1) On the owner's premises, in such a manner as to prevent it from being in contact with any other animal or person: or
  - 2) At the owner's expense at a veterinary hospital or at a the city animal kennel.
- B) A rabid animal or an animal bitten by another animal proved to be rabid shall be destroyed. A health official or licensed veterinarian may require the rabid animal's head to be submitted to the Oregon State Public Health Laboratory for a pathology examination. Penalty, see § 91.99.

#### **§ 91.18 ANIMALS AS A PUBLIC NUISANCE**

- A) An animal is a public nuisance if it:
  - 1) Injures or causes injury (non-serious) to a person or another animal;
  - 2) Chases vehicles or people;

- 3) Damages or destroys property of persons other than the owner of the animal;
  - 4) Scatters garbage;
  - 5) Trespasses upon the property of persons not the owner of the animal;
  - 6) Is a female in heat and running at large.
  - 7) Repeatedly found at large.
  - 8) Molests or intimidates pedestrians or passersby;
  - 9) Makes disturbing noises, including, howling, barking or whining for 10 minutes or intermittent episodes lasting a minimum of 30 minutes which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. A person making a complaint must be willing to keep an accurate log of the disturbance and submit the log as required by the Animal Control Officer. If the barking is caused by the presence of predators, deer, or other wildlife, the dog may or may not be a public nuisance; Barking that is caused by a person intentionally taunting the dog is not a public nuisance.
- B) It shall be a defense to this section if:
- 1) The dog or other animal bites or attempts to bite a person wrongfully provoking or assaulting the animal's owner, the owner's spouse or children;
  - 2) The animal bites or attempts to bite a person trespassing upon premises occupied by the animal's owner, the owner's spouse or children; or
  - 3) A person wrongfully assaults the dog or animal.
- C) Violation of this section is a Class B violation. Penalty, see § 91.99

#### **§ 91.19 ANIMAL ABUSE.**

It is a violation of this chapter for any person to abuse an animal. Elements of animal abuse include:

- A) When a person causes physical injury to an animal. Violation of this section is a Class B violation.
- B) When a person causes physical injury and cruelly causes the death of an animal. Violation of this section is a Class A violation. Penalty, see § 91.99

#### **§ 91.20 ANIMAL NEGLECT PROHIBITED.**

- A) When a person negligently fails to provide minimum care for an animal in that person's custody or control, and such failure results in the serious physical injury or death to the animal. Violation of this section is a Class A violation.
- B) It is no defense to a violation of this section if the animal in question was impounded because of neglect and subsequently euthanized by the Animal Control Authority or veterinarian because of illness or its deteriorated physical state, or because the animal was not redeemed from impoundment after 120 hours. Penalty, see § 91.99

#### **§ 91.21 DEAD ANIMALS; REMOVAL OF CARCASSES.**

It is a violation for any person to knowingly permit the carcass of a deceased animal (owned by the person) to remain on public property or to be exposed on private property for more than 24 hours. Cost for removal and disposal of a deceased animal shall be the responsibility of the animal owner, Violation of this section shall be a



Class C violation. Penalty, see § 91.99

**§ 91.22 KEEPING OF FERAL ANIMALS.**

It is a violation of this chapter for any person to keep, care for, or attempt to domesticate a feral animal. Violation of this section shall be a Class C violation. Penalty, see § 91.99

**§ 91.23 RASING LIVESTOCK PROHIBITED.**

It is a violation of this chapter to raise livestock within the corporate boundaries of the city, in any non-permitted area, or any area not zoned for the raising of livestock. Violation of this section is a Class C violation. Penalty, see § 91.99

**§ 91.24 ENTRY ONTO PRIVATE LAND/PREMESIS; SEARCH WARRANT/SEIZURE OF ANIMALS.**

- A) Any animal control officer or peace officer may enter onto private land in the course of the officer's duties while enforcing the provisions of this chapter, but the officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.
- B) If there is probable cause to believe that any animal is being mistreated under the terms of this chapter, a peace officer or an animal control officer who is also a sworn police officer may enter the premises where the animal is located, after obtaining a warrant or in any other manner authorized by law, to provide the animal with food, water, and emergency medical treatment, and may impound the animal. Penalty, see § 91.99.

**§ 91.25 FAILURE TO SURRENDER ANIMAL.**

It is a violation for an animal owner to fail to surrender an animal to the Animal Control Authority (including a city animal control officer, or peace officer), upon demand, so the animal can be impounded or quarantined as provided for in this chapter. Violation of this section is a Class A violation. Penalty, § 91.99

**§ 91.26 RESISTING AN ANIMAL CONTROL OFFICER OR PEACE OFFICER.**

It is a violation for any person to resist someone known to them as a peace officer or an animal control officer, who is enforcing any provision of this chapter. Violation of this section is a Class A violation. Penalty, see § 91.99.

**§ 91.27 INTERFERING WITH AN ANIMAL CONTROL OFFICER OR PEACE OFFICER.**

It is a violation for any person to interfere with someone known to them as an animal control officer or peace officer, who is enforcing any provision of this chapter. Violation of this section is a Class A violation. Penalty, see § 91.99

**§ 91.28 UNLAWFUL POSSESSION OF A DOMESTICATED ANIMAL.**

It is a violation of this chapter for a person convicted of animal abuse, animal neglect, or animal abandonment (under Oregon Revised Statutes), and living within the corporate boundaries of the city, to possess a domesticated animal. Violation of this section is a Class A violation. Penalty, see § 91.99

**§ 91.29 DOMESTIC FOWL OR POULTRY: Defined as domestic egg laying chickens.**

- A) Person (s) may keep or maintain fowl or poultry as only permitted consistent with the following standards:
  - 1) The keeping of chickens shall be limited to the personal use of the owner of the property on which the chickens are located.
  - 2) A maximum of six (6) chickens per property ownership.
  - 3) Roosters are prohibited.
  - 4) Chickens shall be kept in an enclosed coop or pen at all times.

5) An applicant shall obtain a permit from the City prior to the keeping of chickens.

B) permit revocation

A fowl or poultry permit shall be revoked if the Chief of Police or his representative finds that the premises are no longer sanitary or adequately enclosed, or reasonably open to inspection, or that fifty percent or more of the owners of abutting property now object in writing to the permittee's keeping of fowl/chickens, or that the fowl or poultry presents an unreasonable risk of danger to other persons or property. Any permittee whose permit is revoked shall have ten days to relocate or otherwise dispose of the fowl or poultry unless the Chief of Police finds that the chickens pose an unreasonable threat to the health or safety of the public, in which case the revocation shall be effective immediately. Violation of this section is a Class B violation. Penalty, see §91.99.

**§ 91.30 ENFORCEMENT AUTHORITY**

Animal control officers are hereby empowered to enforce the provisions of this chapter.

**§ 91.99 PENALTY**

A) Fines.

- 1) Fines for a Class A violation range from \$500 (minimum) to \$1000 (maximum).
- 2) Fines for a Class B violation range from \$100 (minimum) to \$500 (maximum).
- 3) Fines for a Class C violation range from \$50 (minimum) to \$250 (maximum).

B) CITATIONS FOR VIOLATIONS. Animal control officers may issue uniform citations to charge a person with any violation of this chapter.

This ordinance shall be in full force and effect thirty (30) days after final approval date of June 1, 2016.

Passed and adopted by the Council of the City of Condon, this 1st day of June, 2016.

Vote: Ayes 4 Nays 0 Abstain 0 Absent 2

\_\_\_\_\_

Date \_\_\_\_\_

Jim Hassing, Mayor

ATTEST:

\_\_\_\_\_

Date \_\_\_\_\_

Kathryn Greiner, City Administrator