



BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance providing for the licensing and regulating conduct, care and treatment of certain animals; prohibiting activities; establishing procedures; providing penalties; and repealing Multnomah County Ordinances Nos. 15, 20, and 91.

Multnomah County ordains as follows:

CHAPTER I POLICY AND TITLE

Section 1. Policy

~~The Board of County Commissioners recognizes that ORS Chapter 609 constitutes State law for the regulation of dogs but does not apply in home rule counties which provide for regulation by ordinance; and the Board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them, that animals require legal protection, that the property rights of owners and non-owners of animals should be protected, and that the health, safety and welfare of the people residing in Multnomah County would best be served by adoption of such ordinance.~~

Section 2. Title

~~This ordinance may be cited as "The Animal Control Ordinance."~~

CHAPTER II DEFINITIONS

Section 1. General

As used in this ordinance, the terms defined in this Chapter shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory; and the masculine gender includes the feminine.



**Section 2. Definitions**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

- A. **Animal.** Any dog, exotic, wild or dangerous animal, or livestock.
- B. **Animal at Large.** Any animal not confined to the premises of its owner, unless restrained by a leash, tether, or other physical control device not to exceed eight feet in length and under the physical control of a person, whether or not the owner of such animal, or which enters upon land of another person without authorization of that person or a lawful occupant, shall be deemed at large.
- C. **Dog Facility.** Any site [as identified by a mailing address] where more than three dogs of licensable age are kept, whether such animals are the property of the site owner or other persons.
- D. **Euthanasia.** Putting to death an animal in a humane manner.
- E. **Exotic, Wild or Dangerous Animal.** Any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner.
- F. **Exotic, Wild, or Dangerous Animal Facility.** Any site for the keeping of animals as described in E. above.
- G. **Livestock.** Animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, goats, swine and other hoofed domesticated animals.
- H. **Livestock Facility.** Any facility for the keeping of livestock.
- I. **Owner.** Any person or legal entity having a possessory property right in a animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by him.
- J. **Person.** Any natural person, association, partnership, firm, or corporation.
- K. **Sexually Unreproductive.** Incapable of reproduction by reason of age or physical condition, or incapable of being subjected to a medical procedure to be rendered unproductive and certified by a licensed veterinarian to be such.

**Vicious Animal.** Any animal which bites any human being or other domestic animal or which demonstrates menacing behavior toward human beings or domestic animals, except that an animal shall not be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

### CHAPTER III ADMINISTRATION AND ENFORCEMENT

#### Section 1. Director Responsibility and Authority; Interference Prohibited

- A. It shall be the responsibility of the Director of the Department of Environmental Services and those he designates to enforce provisions of this ordinance.
- B. The Director and persons duly authorized pursuant to ORS 204.635 (2) shall be empowered to exercise the authority of peace officers to the extent necessary to enforce this ordinance.
- C. Persons designated by the Director to enforce this ordinance shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting the same.
- D. No person shall intentionally hinder or interfere with or prevent the exercise of any powers conferred under this ordinance or ORS Chapter cited in Section 3 of this chapter.
- E. The Director may waive or modify any of the standards for licensing of facilities as he deems appropriate to meet peculiar requirements of a particular animal or species.
- F. The Director shall be authorized to reduce or waive any fee prescribed by this ordinance except those related to licensing.

#### Section 2. Shelter Operation; Impoundment, Release and Disposal

- A. The Director shall operate, maintain or provide for an adequate facility to receive, care for and safely confine any animal delivered to his custody under provisions of this ordinance, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

B. Any animal may be impounded and held at the facility when it is the subject of a violation of this ordinance, when an animal requires protective custody and care because of mistreatment or neglect by its owner, or when otherwise ordered impounded by a court.

C. An animal is deemed to be impounded from the time the Director or his designee takes physical custody of the animal.

D. Impoundment is subject to the following holding period and notice requirements:

1. A dog bearing identification of ownership shall be held for 144 hours from time of impoundment; the Director shall make reasonable effort within twenty-four hours of impoundment by telephone to give notice of the impoundment to the owner, and, if unsuccessful, shall mail written notice by certified mail within forty-eight hours of impoundment to the last known address of the owner advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

2. A dog for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of such animal.

3. Animals held for periods prescribed herein, or as otherwise required by ORS 433.340 to 433.390, and not redeemed by the owner, shall be subject to such humane disposal as the Director deems appropriate.

4. Animals delivered for impoundment by a peace officer who removed such animal from possession of a person in custody of the peace officer shall be held for the period prescribed in subparagraph 1 of this section; a receipt shall be given the peace officer, who shall deliver such receipt to the person in custody from whom the animal was taken; the receipt shall recite redemption requirements and shall serve as the notice required herein.

E. 1. Any impounded animal shall be released to the owner or his authorized representative upon payment of impoundment, care, rabies, and license fees, if, in the judgment of the Animal Control Officer in charge, such animal is not vicious or in a dangerous condition of health.

2. A dog held for the prescribed period and not redeemed by its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption, subject to the following conditions:

- a. The adoptive owner shall agree in writing to furnish proper care to the dog in accordance with this ordinance.
  - b. Payment of required fees, including any medical care costs incurred during impoundment.
  - c. In the case of a dog not sexually unproductive, deposit of \$20, refundable upon furnishing evidence that such animal has been rendered sexually unproductive; and
  - d. A written agreement by the adoptive owner to render any adopted dog sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs; failure to perform the agreement shall be a forfeiture of the deposited \$20, and the Director may require return of the adopted dog to the shelter.
3. The Director shall dispose of animals held for the prescribed period without redemption or adoption only by means of euthanasia; provided, however, that irrespective of any prescribed holding period the Director, upon advice of a licensed veterinarian, may dispose of any unhealthy or injured impounded animal by euthanasia.
  4. Any device attached to any animal upon impoundment shall be retained by the Director should the animal be disposed of as provided in paragraph 3 of this section; otherwise any such device shall accompany the animal when redeemed or adopted.

### Section 3. Applicability of ORS Chapters 433 and 609

In addition to provisions of this ordinance regulating animals, the following statutes shall apply in Multnomah County and shall be enforced by the Director in the same manner as though set forth fully herein, and by this reference, they are incorporated within this ordinance:

181011

A. ORS 433.340 to 433.390, relating to rabies control; provided that the term "Administrator of the Health Division" used therein shall mean the Director of the Department of Environmental Services for Multnomah County.

B. ORS Chapter 609, relating to dogs; the following sections and no others:

- 609.020 Dogs as personal property;
- 609.095 When dog is public nuisance;
- 609.097 Exception to dog as public nuisance;
- 609.140 Right of action by owner of damaged livestock;
- 609.150 Right to kill dog that kills or injures livestock;
- 609.155 Impounding dog that kills or injures livestock; testing dog; killing dog; release;
- 609.157 Disputable presumption that dog kills or injures livestock; and
- 609.160 Keeping dog with knowledge that it has injured livestock.

#### CHAPTER IV LICENSING OF DOGS

##### Section 1. Coverage

The provisions of this chapter shall apply to dogs not housed, kept or maintained within a dog facility subject to licensure pursuant to Chapter V of this ordinance.

##### Section 2. Requirements

###### A. Licensure.

1. Dogs shall be licensed within thirty (30) days of obtaining the age of six months or within thirty (30) days of acquisition by the owner, whichever occurs later.
2. Licenses shall be valid for 12 months from date of issuance and shall be issued upon payment of the fee required by Chapter VII of this ordinance.

CHAPTER V FACILITIES, LICENSING, REGULATION AND STANDARDS  
Municipal Code of Multnomah County

5. Licenses issued under prior existing Multnomah County ordinances shall remain valid until expiration.

B. Licenses.

- 1. License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the owner's premises, displayed in an exhibition.
- 2. A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another owner; provided, however, that a new license may be purchased for the license replacement fee provided in Chapter VII.
- 3. A dog displaying a current license from jurisdictions outside Multnomah County, but within the State of Oregon, shall not require licensing under this ordinance until expiration of the current license, provided that the dog remains in the possession of the owner to whom such license was duly issued.
- 4. A penalty of \$5.00 shall be charged for late renewal of a license.
- 5. A penalty equal to twice the applicable license fee shall be charged to any person who fails to apply for an initial Multnomah County license within the times specified herein.
- 6. Any penalty shall be in addition to the applicable license fee and payable at the time of issuance.

C. Exceptions from Licensing and Waiver of Fees.

- 1. Fees shall be waived for licenses issued for any guide dog upon presentment of an affidavit by the dog's owner; such license shall be valid for the life of the dog or so long as the dog remains the property of the person named in the affidavit.
- 2. License fees for dogs owned by persons aged 65 or older shall be reduced by the amount equal to the license fee for a sexually unproductive dog for one dog per household; provided that the surcharge for late application shall be based on the applicable, unwaived, license fee for such animal.

181041

CHAPTER V. FACILITIES; LICENSING, REGULATION AND STANDARDS

Section 1. Coverage.

- A. A dog facility or exotic, wild or dangerous animal facility shall require a license in accordance with procedures, standards, and limitations provided in this Chapter; and no such facility may lawfully be operated except upon application and payment of prescribed fees for the license.
- B. Issuance of the license shall not constitute approval of the land use nor be evidence of compliance with any land use restrictions or regulations which may apply to the proposed facility operation.
- C. The Oregon Humane Society, located at 1067 NE Columbia Boulevard in Portland, Oregon, shall be exempt from the requirements of this chapter.

Section 2. Facility Licensing Procedure.

- A. Application for a facility license shall be made upon forms furnished by the Director, shall include all information required therein, and shall be accompanied by payment of the required fee.
- B. An initial license shall expire on the first day of the calendar year following issuance, and the fee therefore shall be subject to quarterly proration.
- C. The fee for the first year shall be reduced by an amount equal to license fees already paid for individual dogs; however, no refund shall be given where the amount of license fees paid for individual dogs exceeds the facility license fee.
- D. During the first 365 days after the effective date of this ordinance, persons filing applications and paying the required fee for a facility license shall be issued a receipt by the Director which shall constitute a preliminary license for such facility, subject to inspection of the facility by the Director and final approval for operation.
- E. The Director shall inspect any facility for which a license is sought and, upon determination that the facility and its operation complies with all applicable provisions of this ordinance and other applicable State and federal laws, shall issue a license.

If the Director fails to approve or deny an application within sixty (60) days of its receipt and payment of fees, the application shall be deemed approved for the current year, subject only to revocation as provided hereinafter.

- G. A license shall be conspicuously displayed on the facility premises, and a holder of a license shall keep available for inspection by the Director a record of the name, address and telephone number of the owner of each dog kept at the facility, the date each dog was received, the purpose therefore, the name and address of the person from whom the dog was purchased or received, a description of each dog including age, breed, sex, color, and the animal's veterinarian, if known.
- H. A dog or exotic, wild, or dangerous animal not on the licensed premises shall bear identification, except when taking part in a animal show.

### Section 3. Denial and Revocation of Licenses; Appeals Therefrom.

- A. A license required by this chapter may be denied or revoked for any of the following reasons:
1. Failure to comply substantially with any provision of this ordinance.
  2. Conviction of the owner or any person subject to his direction or control for the violation of any provision of this ordinance or other applicable State or federal law, rule, order or regulation pertaining to any activity relating to animals.
  3. Furnishing false information on an application for a license under this ordinance.
- B. The Director shall refund 50% of any fee paid upon denial of a license; however, no refund shall be made upon revocation.
- C. If an application for a license is denied, or approved subject to conditions, the applicant may appeal such denial or conditional approval to the Board of County Commissioners by filing a written request within fifteen (15) days of the date such denial or conditional approval was mailed by him by certified mail.

181311

The Director shall investigate any complaint concerning licensed facilities and, upon determination by him that a license should be revoked, he shall serve written notice upon the licensee of such determination by certified mail and schedule a hearing at which the licensee may appear and be heard; the hearing shall be public, and notice thereof shall be mailed to the licensee by certified mail no later than ten (10) days before the date of such hearing.

- E. If the Director confirms the revocation, the holder of a revoked license may appeal such revocation to the Board of County Commissioners by filing a written request to the Director within fifteen (15) days after notice of the Director's determination of revocation mailed by certified mail; failure to file a timely request shall terminate any appeal right, and the Director's decision revoking the license shall not be reviewable otherwise.
- F. A hearing upon an appeal under subparagraph C or E of this section shall be conducted by the Board of County Commissioners within thirty (30) days of such request, with notice to be mailed to the applicant by certified mail no later than ten (10) days prior to the hearing; provided that the Board may refer the matter to a Hearings Officer for the purpose of taking evidence, making findings of fact and law, and making recommendations to the Board, which shall act on any recommendations within the time fixed in this subparagraph.
- G. A decision of the Board of County Commissioners resulting from any appeal provided herein shall be reviewable only as provided in ORS Chapter 34 and not otherwise.

#### Section 4. Standards for Licensing of Facilities

The Director shall not issue a license for any facility until inspection demonstrates compliance with those standards set forth herein, applicable to the nature and species of any animal to be kept:

- A. Housing structures shall be sound and maintained in good repair to protect animals from injury, safely confine any animal housed therein and prevent entry of other animals.
- B. Reliable and adequate electrical service and a potable water supply shall serve the facility.

Storage of food supplies and bedding materials shall be designed to prevent vermin infection.

- D. Refrigeration shall be furnished for perishable foods.
- E. Safe and sanitary disposal facilities shall be available to eliminate animal and food wastes, bedding, dead animals and debris and to minimize vermin infestation, odors, and disease hazards.
- F. Cleanliness facilities shall be available to animal caretakers and handlers.
- G. Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for animals not acclimatized to lower temperatures.
- H. Adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and minimize drafts, odors, and moisture condensation; mechanical ventilation must be available when ambient temperatures exceed 85 degrees Fahrenheit.
- I. Interior areas shall have adequate natural or artificial lighting provided, however, that primary enclosures for dogs shall be protected from excessive illumination.
- J. Interior building surfaces shall be so constructed and maintained to permit sanitizing and prevent moisture penetration.
- K. Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities; the design shall assure obstruction-free flow and traps to prevent sewage backflow.
- L. Outdoor facilities shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment.
- M. In addition to the general standards contained in this section, the following standards of care shall apply specifically to the keeping of dogs in licensed facilities:
  1. The primary enclosure shall be of sufficient size to permit each dog housed therein to stand freely, sit, turn about and lie in a comfortable normal position; not more than twelve (12) dogs may be housed in the same primary enclosure. Each dog housed in a primary enclosure shall be provided

ed Hlsdz efs A minimum floor space equal to the mathematical square of the dog's length as measured from the tip of its nose to the base of its tail plus six inches. An exercise area or means to provide each dog with exercise shall be provided on the premises.

2. When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, such devices shall be installed in a manner to prevent entanglement with devices of other dogs or objects and shall be fitted to the dog by a harness or well-fitted collar, other than a choke type collar, and shall not be shorter than three times the length of the dog as measured from the tip of its nose to the base of its tail.
3. Dogs shall be fed at least once daily a diet of nutritionally adequate and uncontaminated foods.
4. Potable water shall be continuously available, unless otherwise recommended by a veterinarian in a particular situation.
5. Cages, rooms, hard surfaced pens, runs and food and watering receptacles shall be sanitized to prevent disease not less than once every two (2) weeks by washing with hot water (180°F.) and soap or detergent, by washing with a combination disinfectant and cleanser, by washing with a detergent followed with a safe, effective disinfectant, or by cleaning with steam. Prior to the introduction of dogs into empty enclosures previously occupied, the enclosures shall be sanitized. Dogs shall be removed from the enclosure during the cleaning process, and adequate care shall be taken to protect animals in other enclosures.
6. Excrement shall be removed from primary enclosures as often as necessary to prevent contamination, reduce disease hazards, and minimize odors.
7. Dogs housed together in primary enclosures shall be maintained in compatible groups with the following restriction, except in residential dwelling:
  - a. Females in season (estrus) shall not be placed with males except for breeding purposes;
  - b. Animals exhibiting vicious behavior shall be housed separately;

of bestronur Animals six months of age shall not  
 noitpcol vna is Be housed with adult animals other than with  
 noitlloiv ni bent be housed with adult animals other than with  
 beyover or fminis Any animal removed to

- d. Dogs shall not be housed with other species of animals; and
  - e. Dogs under quarantine or treatment for any communicable disease shall be separated from other dogs.
8. Programs of disease control and prevention shall be established and maintained.
  9. Each dog shall be seen at least once per twelve hour period by an animal caretaker.

#### Section 5. Exotic, Wild or Dangerous Animal Facility License

Any facility for keeping of any exotic, wild or dangerous animal, whether or not otherwise licensed under this ordinance, shall be licensed, subject to Sections 1 and 2, herein, and the following requirements:

- A. Animals must at all times be housed in a manner which shall assure that animals will not create a public nuisance by reason of noise or emission of offensive odors, present a danger to human life or property, endanger the health of the animals, or create a safety or health hazard to human beings.
- B. An applicant for a license must demonstrate satisfactory proof of ability to respond in damages for bodily injury or death of any person or for damage to any property which may result from the keeping, owning or control of such animal; the Director may require posting of an adequate bond or proof of liability insurance to remain in effect during any license period.
- C. A license issued hereunder shall be subject to revocation by the Director under Section 3 of this chapter.

### CHAPTER VI PROHIBITED AND REGULATED CONDUCT

#### Section 1. Confining Animals to Motor Vehicles Prohibited

- A. No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well being of the animal, including but not limited to dangerous temperature, lack of food, water or attention, or confinement with a dangerous animal.

Ben Any animal control or peace officer is authorized to  
drive removes any animal from a motor vehicle at any location  
when he reasonably believes it is confined in violation  
of subsection A of this section. Any animal so removed  
shall be delivered to the Animal Control Shelter after  
the removing officer leaves written notice of such  
removal and delivery including the officer's name, in a  
conspicuous, secure location on or within the vehicle.  
Such additional notice as may be required by Chapter  
III, Section 2.D. of this ordinance shall be given upon  
impoundment of such removed animal.

- C. No animal control or peace officer shall be held criminally or civilly liable for action pursuant to this section, provided he acts in good faith, on probable cause and without malice.

Section 2. Finders of Lost Dogs; Responsibility to Report

- A. Any person who finds and harbors a dog, without knowing the dog owner's identity, shall notify the Director and furnish a description of the dog.
- B. The finder may surrender the animal to the Director or retain its possession, subject to surrender upon demand of the Director.
- C. Records of reported findings shall be retained by the Director and made available for public inspection.

Section 3. Removal of Animal Wastes from Public Areas

Any person in physical possession and control of any animal in a public place shall remove excrement or other solid waste deposited by the animal in any public area not designed to receive such wastes, including but not limited to streets, sidewalks, parking strips and public parks.

Section 4. Poisonous Food.

No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals.

Section 5. Animal Owner Regulation

- A. For the purposes of this section, unless otherwise limited, the term "permit" shall include human conduct in relation to an owned animal which is intentional, deliberate, careless, inadvertent or negligent.
- B. It shall be a violation of the ordinance for any person to:
1. Permit an animal to become at large.
  2. Permit an animal to trespass upon property of another.
  3. Keep a vicious animal.
  4. Fail to comply with requirements of this ordinance which apply to the keeping of an animal or any facility where animals are kept.
  5. Permit a dog in season (estrus) to be accessible to a male dog not in his ownership except for intentional breeding purposes.
  6. Permit any animal unreasonably to cause annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property.
  7. Leave an animal unattended for more than 24 consecutive hours without adequate care.
  8. Deprive an animal of proper facilities or care.
  9. Physically mistreat any animal either by deliberate abuse or neglect to furnish adequate care, including medical attention.
  10. Permit any animal to leave the confines of any officially prescribed quarantine area.

Section 6. Gamecocks, Animal Fights and Fight Training Prohibited.

It is unlawful for any person in Multnomah County to:

- A. Harbor, keep, possess, breed or deal in gamecocks; or

181021

B. Knowingly and intentionally, whether for amusement of himself or others, or for financial gain, cause any animal to fight or injure any other animal, or cause it to be fought or injured by any other animal; or to train or keep for the purpose of training any animal with the intent that such animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under his control, and any person present as a spectator at such exhibition, shall be deemed a violator of this subsection and subject to punishment upon conviction therefor.

### Section 7. Keeping Livestock

- A. Owners of livestock shall post at an entrance to property containing livestock a sign to be furnished by the Director which shall display a number assigned by the Director and list the type of livestock contained on the premises.
- B. The sign shall be posted so that it can be read from the nearest public property.
- C. An owner whose livestock are in violation of this ordinance or any other statute pertaining to livestock shall reimburse the County for any expenses incurred for investigation of such violation if reimbursement is not otherwise provided for in this ordinance in Chapter VII Section 4 or other applicable statutes. Reimbursement claims shall be deemed a debt due the County and enforceable as such at law.

## CHAPTER VII FEE SCHEDULE

### Section 1. Dog Licenses

- A. Dogs
1. Fertile \$12.00
  2. Sexually Unreproductive \$ 4.00
- B. License Replacement \$ 2.00

### Section 2. Facilities

- A. Dogs \$30.00
- B. Exotic, Wild or Dangerous Animal Facility \$25.00

~~Section 3. County Shelter Rates~~ Any person holding a license under Chapter V of this ordinance who is convicted of a violation of any provision of this ordinance shall be subject to a fine not to exceed \$500.00 and, in addition, the court may order removal of all animals housed in such facility which exceed the number allowed under this ordinance and require such animals to be removed from the County or to be impounded subject to Chapter III, Section 2.D.

A. Impoundment Fee

- |    |   |         |
|----|---|---------|
| 1. | First Impoundment   | \$10.00 |
| 2. | Each succeeding impoundment   | \$20.00 |
| B. | Daily Care (for any portion of a 24-hour period from time of impoundment) | \$ 3.00 |
| C. | Medical Shots - per dosage  | \$ 4.00 |
| D. | Disposal Fees   |         |
| 1. | Adoption  | \$10.00 |
| 2. | Euthanasia  | \$ 3.00 |

Section 4. Stray Animals

For the expenses incurred by the County in locating, transporting and otherwise attending any stray animal other than a dog, the owner or other person lawfully claiming such animal shall pay to the County a fee in the amount of \$10.00 per person hour plus an additional payment of fourteen cents (\$0.14) for each mile traveled by County personnel in locating and transporting such animal.

CHAPTER VIII PROSECUTION OF VIOLATIONS; DISPOSITION OF ANIMALS; PENALTIES

Section 1.

Offenses committed in violation of provisions of this ordinance shall be prosecuted in the manner provided in ORS 203.810. Conviction of a violation of any provision of this ordinance not specifically listed in this chapter shall be subject to a fine not to exceed \$500.00.

Section 2. Facilities: Operation Without License or in Violation of License Standards

- A. Any person convicted of operating a facility without a license for which licensing is required pursuant to Chapter V of this ordinance shall be subject to a fine not to exceed \$500; and, in addition, the court may order removal of all animals housed in such facility which exceed the number allowed under this ordinance and require such animals to be removed from the County or to be impounded subject to Chapter III, Section 2.D.

- B. Any person holding a facility license issued under Chapter V of this ordinance who is convicted of violation of any provision of this ordinance applicable to such license or the care of animals housed therein, shall, in addition to the revocation proceedings provided in Chapter V of this ordinance, be subject to a fine not to exceed \$500.00; and, in addition, the court may order removal of any or all animals from such facility for impoundment subject to Chapter III, Section 2.D.

### Section 3. Poisonous Food

Any person convicted of violation of Section 4 of Chapter VI of this ordinance shall be subject to imprisonment for not more than one (1) year and a fine not to exceed \$1,000 or both.

### Section 4. Animal Owner Regulation Violations

Any person convicted of violation of Section 5 of Chapter VI of this ordinance shall be subject to a fine not to exceed \$500; and the court in its discretion, may also order destruction of the animal or animals involved (subject to Chapter III, Section 2.D.), surgical sterilization of any animal or appropriate procedure to render an animal mute.

### Section 5. Keeping Gamecocks, Animal Fights, and Fight Training

- A. Any person convicted of violation of Section 6 of Chapter VI of this ordinance shall be subject to a fine not to exceed \$500; and the court may order impoundment of any animal caused to be engaged in the prohibited conduct, which animal may be disposed of by the Director.
- B. Any person previously convicted under this provision shall be subject to punishment by imprisonment for a term of not more than one (1) year and a fine not to exceed \$1,000 or both.

## CHAPTER IX ENACTMENT PROVISIONS

### Section 1. Conformance With Law

~~Except as expressly provided herein, this ordinance shall in no way be a substitute for or eliminate the necessity of conforming with any and all State and federal laws, rules and regulations, and other ordinances which are now nor may be in the future in effect which relate to the requirements provided in this ordinance.~~

Section 2. Separability

~~If any chapter, section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions of this ordinance.~~

~~Section 3. Repealed Ordinances~~

~~Multnomah County Ordinances Nos. 15, 20, and 91 are hereby repealed, save and except as to prosecution of any violations occurring prior to the enactment of this ordinance.~~

Section 4. Adoption

~~This ordinance being necessary for the health, safety, and welfare of the people of Multnomah County, shall take effect on \_\_\_\_\_, pursuant to Section 5.50 of the Charter of Multnomah County.~~

~~Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1977, being the date of its \_\_\_\_\_ reading before the Board of County Commissioners of Multnomah County, Oregon.~~

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

Approved as to Form:

11/01/77

## ORDINANCE NO. 146131

An Ordinance providing for the licensing of and regulating the conduct, care and treatment of animals by amending Title 13, Animals, of the Code of the City of Portland, repealing certain sections and adopting new sections.

The City of Portland ordains:

Section 1. The Council finds:

1. Many City Code provisions in Title 13, Animals, duplicate provisions of Multnomah County ordinances;
2. If the County and City provisions are uniform it will save cost and time and eliminate the current confusion arising from the existence of separate ordinances;
3. The County has served the City as its Poundmaster effectively and expeditiously;

NOW, THEREFORE, the Council directs:

- a. Title 13, Animals, of the Code of the City of Portland hereby is amended by repealing Chapters 13.04, 13.08 and 13.12 in their entirety, and substituting in lieu of those sections all provisions of the Multnomah County ordinance attached hereto as Exhibit A, except Chapter I, sections 1 and 2, Chapter VI, section 7, and Chapter IX, sections 1, 2, 3 and 4;
- b. County Chapter II, Definitions, will be designated by the same title as City Code Chapter 13.04; and sections 1 and 2 of County Chapter II will be designated sections 13.04.010 and 13.04.020 respectively;
- c. County Chapter III, Administration and Enforcement, shall be designated by the same title as City Code Chapter 13.08, and sections 1, 2 and 3 of County Chapter III shall be designated as sections 13.08.010, 13.08.020 and 13.08.030 respectively;
- d. County Chapter IV, Licensing of Dogs, shall be designated by the same title as City Code Chapter 13.09, and sections 1 and 2 shall be designated sections 13.09.010 and 13.09.020 respectively;
- e. County Chapter V, Facilities: Licensing, Regulation and Standards, shall be designated by the same title as City Code Chapter 13.10, and sections 1, 2, 3, 4 and 5 of that Chapter shall be designated sections 13.10.010, 13.10.020, 13.10.030, 13.10.040 and 13.10.050 respectively.

**ORDINANCE No.**

- f. County Chapter VI, Prohibited and Regulated Conduct, shall be designated by the same title as City Code Chapter 13.11, and sections 1, 2, 3, 4, 5 and 6 of that Chapter shall be designated sections 13.11.010, 13.11.020, 13.11.030, 13.11.040, 13.11.050 and 13.11.060 respectively.
- g. County Chapter VIII, Prosecution of Violations; Disposition of Animals; Penalties, shall be designated by the same title as City Code Chapter 13.12, and sections 1, 2, 3, 4 and 5 of that Chapter shall be designated as sections 13.12.010, 13.12.020, 13.12.030, 13.12.040 and 13.12.050 respectively.
- h. Title 13, Animals, of the Code of the City of Portland, hereby is amended by repealing Section 13.16.230 in its entirety.
- i. Title 13, Animals, of the Code of the City of Portland, hereby is amended by adding a new section to be numbered, titled and to read as follows:  

"13.12.045 Additional Penalties. In addition to penalties provided in this code, a court shall order the defendant to remove from the city any dog whose conduct renders the owner guilty of violating section 13.11.050(6) of this code."
- j. That new Section 13.04.020, Definitions of the Code of the City of Portland shall be amended by adding the following subsection, to be numbered, titled and to read as follows:  

"(m) References to Multnomah County. Unless otherwise indicated, reference to 'the county' or to 'Multnomah County' in this title shall also mean 'the City of Portland'."
- k. That future amendments, additions or other modifications to Multnomah County Animal Control ordinances shall also apply within the City of Portland if, on the 90th day after the County has adopted those changes, no action is taken by the City; provided, however, that if those changes are made by an emergency ordinance, the changes shall be effective on the 30th day after the date of the ordinance's adoption.

Passed by the Council, JUL 13 1978

*[Signature]*  
Mayor of the City of Portland

Attest:

*[Signature]*  
Auditor of the City of Portland

Mayor Goldschmidt  
HGBeckwith/rl  
June 29, 1978

2515  
Calendar No. 2117

**ORDINANCE NO. 146131**

Title

An Ordinance providing for the licensing of and regulating the conduct of and treatment of animals by amending Title 13, Animals, of the Code of the City of Portland, repealing certain sections and adopting new sections

**THURSDAY**

**JUL - 6 1978**

**PASSED TO THIRD READING JUL 13 1978**

THE COMMISSIONERS VOTED AS FOLLOWS:	
Yeas	Nays
Ivancie	1
Jordan	1
McCready	1
Schwab	1
Goldschmidt	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
McCready	
Schwab	
Goldschmidt	

INTRODUCED BY  
MAYOR GOLDSCHMIDT

NOTED BY THE COMMISSIONER

Affairs  
Finance and Administration *W*  
Safety  
Utilities  
Works

BUREAU APPROVAL

Bureau: \_\_\_\_\_  
Prepared By: \_\_\_\_\_ Date: \_\_\_\_\_  
H. G. Beckwith/r1 6/39/78

Budget Impact Review:  
 Completed  Not required

Bureau Head: \_\_\_\_\_

NOTED BY

City Attorney  
City Auditor *PPT*  
City Engineer *W*

Filed **JUN 29 1978**

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *Jordan*  
Deputy

146131