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Chapter 13.05

SPECIFIED ANIMAL REGULATIONS

(New Chapter substituted by Ordinance
No. 166281, effective Feb. 24, 1993.)

Sections:

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13.05.005 Definitions.

(Amended by Ordinance No. 172635, effective September 25, 1998) As used in this Chapter, unless the context requires otherwise:

- A. “Director”** means the Director of the animal control division of Multnomah County, or the director’s designee.
- B. “Domestic Animal”** means any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, or which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period. Examples of domestic animals include dogs, cats and livestock.
- C. “Keeper”** means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.
- D. “Livestock”** means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.
- E. “Person”** means any natural person, association, partnership, firm, or corporation.

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F. “A Secure Enclosure” shall be:

- 1.** A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction’s building code.
- 2.** A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or
- 3.** For a Dangerous Dog, a fully fenced pen, kennel or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self-closing and self-latching gate. A “Dangerous Dog” sign prescribed by the director must be posted at the entry to the owner’s or keeper’s premises.

G. “Specified Animals” means bees, domesticated animals or livestock.

H. “Specified Animal Facility” means a site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

I. “Stable” means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

J. “Sufficient liability insurance” means, at a minimum, insurance in a single incident amount of not less than \$50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

13.05.010 Administration and Enforcement; Powers and Duties of Director.

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

- B.** Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.
- C.** The Director may adopt procedures and forms necessary for administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.
(Amended by Ord. No. 167649 and 168900, June 7, 1995.)

- A.** No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.
- B.** Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and residents within 200 feet of the property lines of the property on which the specified animal facility will be located.
- C.** The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:
 - 1.** The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;
 - 2.** The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
 - 3.** The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;

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4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;
 5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;
 6. The facility will be adequately lighted and ventilated;
 7. The facility is located on the applicant's property so as to be at least 25 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 25 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.
 8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and
 9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.
 - a. The Director may require the applicant to provide proof of sufficient liability Insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.
- D.** Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance

criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

- E.** A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.
- F.** These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal meets the intended purpose of the regulation, while not complying with the strict literal requirements.

 - 1.** Applicants for a specified animal permit may request a variance from the requirements set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

 - a.** Impacts resulting from the proposed variance will be mitigated as much as possible;
 - b.** If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,
 - c.** If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.

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2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.
 - a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.
 - b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ord. No. 168900, June 7, 1995.)

- A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.
- B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

- A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected within the period specified, the Director may revoke the specified animal facility permit.
- B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as “seamless” banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tipplers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a

permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

- A.** It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.
- B.** It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.
- C.** If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.
- D.** The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

- A.** The Director may assess a civil penalty of not less than \$100.00 and not more than \$500.00 for each violation of this Chapter.
- B.** The Director may, in addition to assessing civil penalties, impose additional restrictions and conditions upon any person in violation of the terms of this Chapter. The restrictions or conditions imposed by the Director shall be reasonably directed to the correction or abatement of the violation.

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- C.** The Director's written determination shall consider the circumstances and the nature of the violation, including the animal's behavior, the keeper's control of the animal, the care and treatment of the animal, and other relevant evidence.
 - 1.** The Director shall give written notice of the determination by certified mail or personal service of the Director's decision imposing civil penalties and any other conditions or restrictions. The notice shall contain a brief explanation of the basis for the civil penalties, and why the additional conditions and restrictions were imposed.
- D.** The Director shall place all civil penalties assessed and collected by the Director in a separate fund for the purpose of administering and enforcing the provisions of this Chapter.

13.05.050 Appeals.

- A.** An applicant or any adversely affected person may appeal a decision of the Director to the Code Hearings Officer of the City of Portland, as set out in Chapter 22.10 of the Portland City Code.
- B.** The filing of a notice of appeal of any permit revocation or the assessment of any civil penalty shall stay the effective date of the decision until the appeal is determined by the Code Hearings Officer.

Chapter 13.08

ADMINISTRATION AND ENFORCEMENT

(Added by Ord. No. 146131; passed
July 13, effective Aug. 14, 1978;
repealed by Ord. No. 166281,
Feb. 24, 1993.)

Chapter 13.09

LICENSING OF DOGS

(Added by Ord. No. 146131; passed
July 13, effective Aug. 14, 1978;
Repealed by Ord. No. 166281
Feb. 24, 1993.)

Chapter 13.10

GENERAL ANIMAL REGULATIONS

(New Chapter substituted by
Ord. No. 166281, Feb. 24, 1993.)

Sections:

- 13.10.010 Roosters Prohibited.
- 13.10.020 Swine Not Allowed In City; Exceptions.
- 13.10.030 Permits to Kill Birds Damaging Private Property.
- 13.10.040 Sale and Display of Artificially Colored Fowl and Rabbits and Certain Fowls as Pets.
- 13.10.050 Animals Must Be Properly Shod.

13.10.010 Roosters Prohibited.

It is unlawful for any person to harbor, keep, possess, breed, or deal in roosters in the City of Portland. The provisions of this Section shall not be construed to prohibit the possession of roosters for commercial purposes.

13.10.015 Certain Exotic Animal Prohibited; Exceptions.

(Repealed by Ordinance No. 172635, effective September 25, 1998.)

13.10.020 Swine Not Allowed in City; Exceptions.

- A.** It is unlawful to have or to keep within the limits of the City any live pigs or swine for a longer period than 3 days.

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B. Notwithstanding the above, or the terms of Chapter 13.05, the having or keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed, subject to the following:

- 1.** Any pig or swine shall be considered to fall within this exception if its maximum height is no greater than 18 inches at the shoulder and it weighs no more than 95 pounds.
- 2.** No more than three Miniature Vietnamese, Chinese or Oriental pot-bellied pigs shall be kept at any one address for any period in excess of 3 days.

13.10.030 Permits to Kill Birds Damaging Private Property.

Whenever any person has been given written permission by a state or federal agency, with the proper authority, to kill birds which are damaging private property, the Chief of Police shall, upon presentation of such written permit, grant authority to the person named in a written permit to kill birds within the corporate limits of the City. No permit shall be issued by the Chief of Police to any person to kill birds which are damaging private property within the City, unless such person has first been given a written permit by a duly authorized state or federal agency.

13.10.040 Sale and Display of Artificially Colored Fowl and Rabbits and Certain Fowls as Pets.

- A.** It is unlawful for any person to sell, offer for sale, keep, or display for the purpose of sale or advertising, or otherwise, any chicks or rabbits under two months of age which have been artificially colored or dyed.
- B.** It is unlawful for any person to advertise, display, sell, or offer for sale, barter or otherwise deliver to the public as pets or novelties, any live chicks, ducklings, goslings, poults, or other fowl under two months of age. The provisions of this Subsection shall not be construed as prohibiting the advertising, display or sale of any such chicks, ducklings, goslings, poults, or other fowl, for commercial purposes. The sale of any of the above fowl as pets or novelties shall not be considered a commercial purpose under this Subsection.

13.10.050 Animals Must Be Properly Shod.

It is unlawful for any person owning or having the care, custody or control of, or driving any horse, mule, or other large animal used for the purpose of driving or hauling, to permit or allow any such animal to be driven upon any of the streets, avenues or highways of the City unless such animal is shod in such manner as will prevent or tend with reasonable certainty to prevent it from slipping or damaging the street surface.

Chapter 13.11

**PROHIBITED AND REGULATED
CONDUCT**

(Added by Ord. No. 146131; passed
July 13, effective Aug. 14, 1978;
Repealed by Ord. No. 166281
Feb. 24, 1993.)

Chapter 13.12

**PROSECUTION OF VIOLATIONS;
DISPOSITION OF ANIMALS;
PENALTIES**

(Added by Ord. No. 146131; passed
July 13, effective Aug. 14, 1978;
Repealed by Ord. No. 166281
Feb. 24, 1993.)

Chapter 13.13

CLASSIFICATION OF DOGS

(Added by Ord. No. 162483
effective Oct. 25, 1989;
Repealed by Ord. No. 166281
Feb. 24, 1993.)

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Chapter 13.15

FEE SCHEDULE

(Added by Ord. No. 146437; passed
Sept. 14, effective Sept. 12, 1978;
Repealed by Ord. No. 166281
Feb. 24, 1993.)

Chapter 13.16

RULES AND REGULATIONS
GENERALLY

(Repealed by Ord. No. 166281
Feb. 24, 1993.)