

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 986

Amending MCC Chapter 13, Animal Control, Relating To Tethering

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. In accordance with MCC §13.003, the Board wishes to add regulations with respect to tethering dogs.
- b. The tethering of any dog on a leash, cord, rope chain or similar device to an object that prohibits or restricts the dog's movement is not recommended for more than an hour at a time. Attaching a dog to a long line using a pulley, trolley or swivel system, thereby allowing the dog a larger area in which to explore and avoiding entanglement, is preferable to tethering a dog to a stationary object.
- c. The Board wishes to prohibit tethering a dog in an unsafe manner and in any manner for longer than 10 hours in a 24-hour period.

Multnomah County Ordains as follows:

Section 1. MCC § 13.305 is amended as follows:

§ 13.305 Duties Of Owners.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner's household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following:

- (1) Permit an animal to be an animal at large;
- (2) Permit an animal to trespass upon property of another;

(3) Fail to comply with requirements of this chapter that apply to the keeping of an animal or dangerous animal or any facility where such animals are kept;

(4) Permit a dog in season (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes;

(5) Permit any animal unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode ~~[repeated episodes]~~ of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. It shall be an affirmative defense under this subsection that the animal was intentionally provoked by a party other than the owner to make such noise. Provided, 13.305(B)(5) shall not be applicable to any lawful livestock owner or keeper; kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land use and zoning laws and regulations;

(6) Leave an animal unattended for more than 24 consecutive hours without minimum care;

(7) Deprive an animal of proper facilities or care, including but not limited to the items prescribed in § 13.153. Proper shelter must provide protection from the weather and is maintained in a condition to protect the animals from injury;

(8) Physically mistreat any animal either by abuse or neglect or failure to furnish minimum care;

(9) Permit any animal to leave the confines of any officially prescribed quarantine area;

(10) Permit any dog to engage in any of the behaviors described in § 13.401(A) or (B);

(11) Permit any dog to engage in any of the behaviors described in § 13.401(C) through (D); or

(12) Permit any dog to engage in the behavior described in § 13.402.

(13) Harbor a dangerous or exotic animal that is not otherwise exempted under § 13.154. Provided, any person who owns or is keeping a dangerous or exotic animal on the effective date of this chapter in that person's jurisdiction shall have 180 days from the effective date to provide for the animal's removal from the county or other lawful disposition.

(14) Except as provided under MCC 13.300(B) (2), permit any dog to be tethered for more than 10 hours in a 24-hour period.

(15) Notwithstanding MCC 13.305 (B) (14), permit any dog to be tethered in a manner or method that allows the animal to become entangled for a period of time detrimental to the animal's well being.

(C) For the purpose of this section, OWNER shall mean either owner or keeper as defined in this chapter.

(D) Notwithstanding § 13.305(B)(10), (11) and (12), any dog that has been found to have engaged in behaviors as described at §§ 13.401 and 13.402 shall be classified, regardless of whether it is established by preponderance of the evidence that the dog owner, keeper or other person permitted the dog to engage in the behavior. If in any such case it is not established by a preponderance of the evidence that the person cited permitted the dog to engage in the behavior, no fine shall be imposed against that person, but the dog owner or keeper shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively and;

(1) In any case, wherein the citing officer or the director based upon his or her investigation and review of such case, determines there is insufficient evidence to establish the responsible party permitted the dog to engage in the violative behavior, may in lieu of issuing a notice of infraction for violation of § 13.305(B)(10), (11) and (12) issue a notice of infraction citing this division and the specific division of § 13.401 or 13.402 directly applicable to the dog's alleged behavior.

(2) Any notice of infraction issued pursuant to § 13.305(D)(1) shall not be subject to the imposition of a fine against the person cited, upon issuance or affirmation but that person shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively.

Penalty, see § 13.999

Section 2. MCC § 13.999 is amended as follows:

§ 13.999 Penalty.

(A) *Classification.* Violations of the provisions of this chapter shall be classified as provided below.

(1) *Class A infractions.* Violations of the following sections or divisions shall be Class A infractions:

(a) Section 13.500;

(b) Section 13.300;

- (c) Section 13.304;
- (d) Section 13.305(B)(7) - (B)(9), (B)(11) - (B)(~~13~~15);
- (e) Section 13.307; and
- (f) Section 13.309.

(2) *Class B infractions.* Violations of the following sections or divisions of this chapter shall be Class B infractions:

- (a) Section 13.506(A)(3);
- (b) Section 13.301; and
- (c) Section 13.305(B)(3) - (B)(6), (B)(10).

(3) *Class C infractions.* Infractions of the following sections or divisions of this chapter shall be Class C infractions:

- (a) Section 13.101;
- (b) Section 13.303;
- (c) Section 13.305(B)(1), (B)(2); and
- (d) Section 13.308.

(4) *Other infractions.* Except as provided under §§ 13.306 and 13.307, any other violation of this chapter not listed in this division shall be a Class A infraction.

(B) *Fines.*

(1) *Class A infraction.* A fine for Class A infraction shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed, the fine shall be not less than \$500.

(2) *Class B infraction.* A fine for Class B infraction shall be no less than \$50 nor more than \$250 for a first offense. If the violator committed either a Class A or B infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$100 nor more than \$250. If the violator has committed two or more Class A or B infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class B infraction, the fine shall be \$250.

(3) *Class C infraction.* A fine for a Class C infraction shall be no less than \$30 nor greater than \$150 for a first offense. If the violator has committed a Class A, B, or C infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$50 nor more than \$150. If the violator has committed two or more Class A, B, or C infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class C infraction, (Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 773, passed 1993; Ord. 823, passed 1995; Ord. 850, passed 1996)

(C) *Facility operations violations.*

(1) The operation of a facility without a license for which licensing is required under §§ 13.150 through 13.153 shall be a Class A infraction, and, in addition, the director or hearings officer may order removal of the animals housed in the facility or allow the facility operator to find suitable homes for the animals within 30 days or to be impounded subject to § 13.505.

(2) The operation of a facility by a person holding a facility license under §§ 13.150 through 13.153, in violation of any provision of the license applicable to that license or to the care of the animals housed in the facility, shall be a Class A infraction; and in addition the director or hearings officer may order removal of any or all animals from the facility for impoundment subject to § 13.505 or allow the facility operator to find suitable homes for the animals within 30 days. (Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 850, passed 1996)

(D) *Additional conditions and restrictions.* In addition to the monetary civil penalties imposed for infractions of this chapter, and the regulations applicable under § 13.404, the director and the hearings officer shall have authority to order additional restrictions and conditions upon the party in violation, including but not limited to the following:

(1) Require the owner or keeper and animal to satisfactorily complete an obedience program approved by the director or hearings officer at owner's or keeper's expense;

(2) Require the owner or keeper to attend a responsible pet ownership program adopted or approved by the director or hearings officer, at the owner's or keeper's expense;

(3) Require the owner or keeper of an animal that unreasonably causes annoyance, as described in § 13.305, to keep the animal inside the owner or keeper's residence during hours specified by the director or hearings officer;

(4) Suspend the animal owner's or keeper's right to own or keep any animal in the county for a period of time specified by the director or hearings officer;

(5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer; and

(6) Any other condition(s) that would reasonably abate the infraction.

(E) *Late payment penalties.* If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25% of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50% of the original amount.

(F) *Collection.* At the discretion of the director, any civil penalty(ies) not paid within 30 days from the date of issuance of the notice of infraction may be assigned to a collections agency for collection.

FIRST READING: June 20, 2002

SECOND READING AND ADOPTION: June 27, 2002



REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney