

Multnomah County Animal Control Code

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 850

An ordinance amending Multnomah County Animal Control Code 8.10.005 et. seq.

(Language lined-through is to be deleted; underlined language is new)

Multnomah County ordains as follows:

Section I. AMENDMENT

MCC 8.10.010 is amended and added to as follows:

(A) Animal means any ~~dog, cat, exotic, wild or dangerous animal, or livestock~~ non-human vertebrate.

(B) *Animal at Large* means any animal, excluding licensed and sterile cats, that:

~~(1) Is is not physically restrained; on private property (including motorized vehicles) with the permission of the property owner; in a manner that physically prevents the animal from leaving that property or reaching any public areas; or; is not physically restrained when on public property, or any public area, and~~

~~(2) Is not restrained by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.~~

~~(C)(V)~~ *Aggressively Bites* means any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits overt behavior including that includes, but not limited to any combination of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, or multiple bites.

~~(D)(C)~~ *Board* means the Multnomah County board of county commissioners.

Multnomah County Animal Control Code

1 (E) Chronic Safety Nuisance is demonstrated by the issuance of two (2) or more Notice of

2 Infractions or Citations for:

3 (1) violation of M.C.C. 8.10.270 relating to the same dog, or

4 (2) any Dangerous Animal that is not confined as required by law, or

5 (3) any other violation of this Chapter based on Animal behavior that causes a substantial risk
6 to public safety.

7 (F) Chronic Noise Nuisance is demonstrated by the issuance of two (2) or more Notice of

8 Infractions or Citations for violation of M.C.C. 8.10.190(b)6 and the receipt of multiple

9 complaints from more than one (1) household in close proximity to the animal's location.

10 (G) Exotic, Wild or Dangerous Animal means any Animal, including insects, which is not

11 commonly domesticated, or which is not native to North America, or which, irrespective of

12 geographic origin, is of a wild or predatory nature, or any domesticated Animal, which

13 because of its size, vicious nature or other characteristics would constitute an unreasonable

14 danger to human life or property if not kept, maintained or confined in a safe and secure

15 manner. A dog that has engaged in the behaviors specified in MCC 8.10.271.

16 (H) Exotic, Wild or Dangerous Animal Facility means any site for the keeping of one or more

17 exotic, wild or Dangerous Animals.

18 (I) Dog facility means any site, as identified by a mailing address, where more than three dogs of

19 licensable age are kept, whether the animals are the property of the site owner or of other

20 persons.

21 (I)(E) Director means the Director of the department of environmental services of Multnomah

22 County or the Director's designee.

23 (J)(F) Euthanasia means putting an animal to death in a humane manner.

Multnomah County Animal Control Code

1 (K) Facility is a site operated or used for:

2 (1) Boarding, training or similar purposes for varying periods of time.

3 (2) For the purpose of breeding, buying, selling, or bartering of dog and/or cats.

4 (3) Facility operated by an animal welfare/rescue organization.

5 (4) Breeding of dogs and/or cats for the preservation of the breed.

6 (L)(H) Hearing Officer means a person appointed by the chair to hear appeals decisions of the
7 Director concerning violations of this chapter, or license denial or revocation under MCC
8 8.10.100 through 8.10.145.

9 (M) Immediate Health Hazard exists if at any given location there are conditions that the Director
10 determines warrant immediate intervention; such conditions include, but are not limited to
11 inadequate sanitation, untreated disease, or animals in numbers greater than the Animals'
12 Owner or Keeper can reasonably care for.

13 (N)(Y) Keeper means any person or legal entity who harbors, cares for, exercises control over, or
14 knowingly permits any Animal to remain on premises occupied by that person for a period of
15 time not less than 72 hours or someone who accepted the Animal for the purpose of safe
16 keeping.

17 (O)(X) Liability Insurance means public liability insurance in a single incident amount of not less
18 than \$50,000.00 for bodily injury to or death of any person or persons or a cash bond or
19 irrevocable letter of credit in the amount up to \$2,500. The Owner or Keeper shall be
20 required to provide the Director with certification of insurance within ten days of receiving
21 notification of classification. Such policy shall provide that no cancellation of the policy will
22 be made unless ten days' written notice is given to the Director by certified mail.

Multnomah County Animal Control Code

1 ~~(P)(J)~~ *Livestock* means Animals kept for husbandry, including but not limited to fowl, horses,
2 mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine and other farm hooved
3 domesticated Animals, excluding dogs and cats.

4 ~~(Q)(K)~~ *Livestock Facility* means any site facility for the keeping of Livestock.

5 ~~(R)(Z)~~ *Minimum Care* has the meaning as provided in ORS 167.310 (8) (1995) (2) (1994).

6 ~~(S)(L)~~ *Muzzle* means a device constructed of strong, soft material or a metal muzzle that complies
7 with specifications to be adopted as administrative rules by the Director. The muzzle must be
8 made in a manner that will not cause injury to the dog or interfere with its vision or
9 respiration but must prevent it from biting any person or animal.

10 ~~(T)(M)~~ *Owner* means any Person or legal entity having a possessory property right in the Animal
11 or any Person who has been a Keeper of an Animal for more than 90 days.

12 ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human conduct that is intentional,
13 deliberate, careless, inadvertent or negligent in relationship to an Animal.

14 ~~(V)(N)~~ *Person* means any natural person, association, partnership, firm or corporation.

15 ~~(W)(O)~~ *Pet License* means a license for any owned Animal dog or cat that is of licensable age.

16 ~~(X)(W)~~ *Physical Device or Structure* means a tether, trolley system, other physical control device
17 or any structure made of material sufficiently strong to adequately and humanely confine the
18 Animal dog in a manner that would prevent it from escaping the premises.

19 ~~(Y)(R)~~ *Physical Injury* means physical impairment of physical condition or substantial as
20 evidenced by pain which is accompanied with scrapes, cuts, punctures, bruises or physical
21 pain or other evidence of physical impairment injury.

22 ~~(Z)(P)~~ *Potentially Dangerous Dog* means any dog Animal that is a member of the canine family
23 and has been found to have engaged in any of the behaviors specified in MCC 8.10.270.

Multnomah County Animal Control Code

1 (AA) Public Nuisance Animal is an Animal that has been determined by the Director to be a
2 Chronic Noise Nuisance, or a Chronic Safety Nuisance, or an Animal that is subjected to an
3 Immediate Health Hazard.

4 (BB)(Q) A Secure Enclosure shall be:

5 (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock or
6 combination lock. Such pen, kennel or structure must have secure sides, minimum of five
7 feet high, and the Director may require a secure top attached to the sides, and a secure
8 bottom or floor attached to the sides of the structure or the sides must be embedded in
9 the ground no less than one foot. The structure must be in compliance with the
10 jurisdiction's building code; or

11 (2) A house or garage. When dogs are kept inside a house or garage as a Secure Enclosure,
12 the house or garage shall have latched doors kept in good repair to prevent the accidental
13 escape of the dog. A house, garage, patio, porch or any part of the house or structure is
14 not a Secure Enclosure if the structure would allow the dog to exit the structure on its
15 own volition.

16 (CC)(S) Serious Physical Injury means any Physical Injury which creates a substantial risk of
17 death or which causes significant serious and protracted disfigurement, significant protracted
18 impairment of health or significant protracted loss or impairment of the function of any body
19 part or bodily organ.

20 (DD) Service Animal is an Animal that is professionally trained to provide assistance and whose
21 primary function is to provide such service. Service Animals include, but are not limited to
22 guide dogs, police dog and rescue dogs.

Multnomah County Animal Control Code

1 ~~(EE)(T)~~ *Sexually Unreproductive* means being incapable of reproduction by reason of age or
2 physical condition, or incapable of being subjected to a medical procedure to be rendered
3 unproductive and certified as such by a licensed veterinarian.

4 ~~(FF)(U)~~ *Vicious Animal* means any Dangerous Animal, excluding dogs or cats, which bites any
5 human being or other domestic Animal or which demonstrates menacing behavior towards
6 human beings or domestic animals. "Vicious Animal" does not include an Animal which
7 bites, attacks or menaces a trespasser on the property of its owner or Keeper or harms or
8 menaces anyone who has tormented or abused it.

9 [Ord. 156 II(2) (1978); Ord. 379 1--3 (1983); Ord. 480 1 (1985); Ord. 517 2 (1986); Ord.
10 591 1 (1988); Ord. 732 1--3 (1992)]

11 Section II. AMENDMENT

12 MCC 8.10.020 is amended as follows;

13 The Board of County Commissioners recognizes that ORS chapter 609 constitutes state law for the
14 regulation of dogs but may be superseded ~~does not apply~~ in home rule counties which provide for
15 regulation by ordinance. The board finds that it is necessary to establish and implement a program for
16 the licensing and regulation of dogs and other animals and facilities which house them, that animals
17 require legal protection, that the property rights of owners or keepers and nonowners of animals
18 should be protected and that the health, safety and welfare of the people residing in Multnomah
19 County would best be served by adoption of such an ordinance.

20 [Ord. 156 I(1) (1977); Ord. 732 3 (1992)]

21 Section III. AMENDMENT

22 MCC 8.10.030 is amended as follows:

Multnomah County Animal Control Code

1 (A) It shall be the responsibility of the Director of the department of environmental services, and
2 those the Director designates, to enforce provisions of this chapter.

3 (B) The Director and persons duly authorized under subsection (2) of ORS 204.635 shall be
4 empowered to exercise the authority of peace officers to the extent necessary to enforce this chapter.

5 (C) Persons designated by the Director to enforce this chapter shall bear satisfactory identification
6 reflecting the authority under which they act, which identification shall be shown to any person
7 requesting it.

8 (D) No person shall intentionally hinder or interfere with or prevent the exercise of any powers
9 conferred under this chapter or the state statutes incorporated into this chapter under MCC 8.10.050
10 nor shall any person knowingly provide false information to the Director. A violation issued under
11 this subsection is a Class C Misdemeanor.

12 (E) The Director may waive or modify any of the standards for licensing of facilities as the Director
13 considers appropriate to meet peculiar requirements of a particular Animal or species.

14 (F) The Director shall be authorized to reduce or waive any fee prescribed by this chapter except
15 those related to licensing and registration.

16 [Ord. 156 III(1) (1977); Ord. 379 4 (1983)]

17 Section IV. AMENDMENT

18 MCC 8.10.035 is amended as follows:

19 (A) Whenever a county animal control officer or person designated by the Director has reasonable
20 grounds to believe that an Animal or facility is in violation of this chapter, that officer shall be
21 authorized to issue the Owner or Keeper notice of civil infraction containing the following
22 information:

Multnomah County Animal Control Code

- 1 (1) The name and address, if known, of the Owner or Person in violation of this chapter and
2 description of the Animal, if applicable; and
- 3 (2) The Code section allegedly violated plus a brief descriptive statement of the nature of the
4 violation; and
- 5 (3) A statement of the amount due as a civil fine for the infraction and notice that the Animal is to
6 be impounded if impoundment is authorized hereunder.
- 7 (4) A statement explaining all fines are due within 30 days of service of the notice;
- 8 (5) A statement advising that if any civil fine is not timely paid, the failure to comply may lead to
9 enhancement of the original fine or additional fines;
- 10 (6) A statement that the determination of violation is final unless appealed by filing a written notice
11 of appeal including a \$25.00 fee with the Director of Animal Control Division department
12 within 20 days of the date of the notice of infraction was served.
- 13 (7) A statement that an admission of infraction would be on record and could lead to the
14 enhancement of fine on any subsequent infraction issued under this chapter as provided under
15 MCC 8.10.900(B).

16 [Ord. 732 4 (1992)]

17 Section V. AMENDMENT

18 MCC 8.10.036 is amended as follows:

19 The notice of infraction shall be served on the Owner or Keeper of the Animal or Facility in violation
20 of this chapter by personal service or by regular and certified mail with return receipt requested.

21 [Ord. 732 5 (1992)]

22 Section VI. AMENDMENT

23 MCC 8.10.038. is amended as follows:

Multnomah County Animal Control Code

1 (A) Any party who is issued a notice of infraction for any offense listed under MCC 8.10.900(A) may,
2 in lieu of requesting a hearing, admit the infraction and submit the fine as stated on the notice of
3 infraction to the animal control division. The party may attach a written explanation of mitigating
4 circumstances with the payment of the fine.

5 (B) Any written explanations submitted under subsection (A) shall be reviewed by the Hearings
6 Officer. The Hearings Officer shall have discretion to reduce the submitted fine and refund any
7 portion not retained based on the written explanation.

8 (C) When a person issued a notice of infraction for violation of any of the following sections of this
9 chapter: MCC 8.10.190 (B)(2), (6), (11), (12), or (13); or MCC 8.10.191 (A), the violation may be
10 compromised as provided at MCC 8.10.038 (D).

11 (D) If the person injured, damaged or otherwise detrimentally impacted by the commission of the
12 violation; acknowledges in writing any time before the final decision of the Director, Hearings Officer,
13 or a Court of requisite jurisdiction, that the person has received satisfaction for the injury, damage or
14 detrimental impact, the Director, Hearings Officer or Court may in their discretion, on payment of any
15 cost or expense incurred, order the notice of infraction dismissed.

16 (1) The Director, Hearings Officer, or Court when issuing an order to dismiss under this section,
17 may impose additional conditions or requirements upon the party issued the violation, if in their
18 determination the additional requirements are necessary to further protect the public health or
19 safety.

20 (2) Any condition or requirement imposed pursuant to MCC 8.10.038 (D) (1) shall be complied
21 with prior to the entry of the final Order dismissing the notice of infractions(s).

22 (E) The Order authorized by MCC 8.10.038 (D) when made and entered by the Director, Hearings
23 Officer or Court is a bar to another enforcement action for the same violation.

Multnomah County Animal Control Code

1 [Ord. 732 7 (1992)]

2 Section VII. AMENDMENT

3 MCC 8.10.040 is amended as follows:

4 (A) The Director shall operate, maintain or provide for an adequate facility to receive, care for and
5 safely confine any Animal delivered to the Director's custody under provisions of this chapter, which
6 facility shall be accessible to the public during reasonable hours for the conduct of necessary business
7 concerning impounded animals.

8 (B) Any Animal may be impounded and held at the facility when it is the subject of a violation of this
9 chapter, when an Animal requires protective custody and care because of mistreatment or neglect by
10 its Owner or Keeper or when otherwise ordered impounded by a court, a Hearings Officer, or the
11 Director.

12 (C) An Animal shall be considered impounded from the time the Director or the Director's designee
13 takes physical custody of the Animal.

14 (D) Impoundment is subject to the following holding period and notice requirements:

15 (1) An Animal ~~A dog or cat~~ bearing identification of ownership shall be held for 144 hours from
16 time of impoundment. The Director shall make reasonable effort within 24 hours of
17 impoundment by phone to give notice of the impoundment to Owner or Keeper and, if
18 unsuccessful, shall mail written notice within 48 hours of impoundment to the last known
19 address of the Owner or Keeper advising of the impoundment, the date by which redemption
20 must be made and the fees payable prior to redemption release.

21 (2) A dog for which no identification of ownership is known or reasonably determinable shall be
22 held for 72 hours from time of impoundment before any disposition may be made of the Animal.

Multnomah County Animal Control Code

1 (3) Animals held for periods prescribed under this section, or as otherwise required by ORS
2 433.340 or 433.390, and not redeemed by the Owner or Keeper, shall be subject to such means
3 of disposal as the Director considers most humane.

4 (4) Animals delivered for impoundment by a peace officer who removed the Animal from
5 possession of a person in custody of the peace officer shall be held for the period prescribed in
6 paragraph (1) of this subsection. A receipt shall be given the peace officer, who shall deliver the
7 receipt to the person in custody from whom the Animal was taken. The receipt shall recite
8 redemption requirements and shall serve as the notice required by this section.

9 (E) (1) Any impounded Animal shall be released to the Owner or Keeper or the Owner's or
10 Keeper's authorized representative upon payment of impoundment, care, rabies, vaccination
11 deposits, license fees, past due fines, and all fees and deposits related to potentially dangerous
12 dog regulations with the addition of the following conditions:

13 (a) Any Animal impounded restrained by court, Hearings Officer's or Director's order shall be
14 released to the Owner or Keeper or the Owner's or Keeper's authorized representative upon
15 payment of all fees required in subsection (E)(1) of this section, and upon receipt of a
16 written order of release from the court of competent jurisdiction or the Hearing's Officer or
17 the Director issuing the order.

18 (b) Any classified Potentially Dangerous Dog shall be released to the Owner or Keeper or the
19 Owner's or Keeper's authorized representative upon payment of all fees required in
20 subsection (E)(1) of this section, and upon verification of satisfactory compliance with the
21 regulations required in MCC 8.10.270 to 8.10.280. Failure to be in satisfactory compliance
22 with the potentially dangerous dog regulations within ten days of impoundment shall result
23 in the Owner or Keeper forfeiting all rights of ownership of the dog to the county.

Multnomah County Animal Control Code

1 (2) ~~An Animal A dog or cat~~ held for the prescribed period and not redeemed by its Owner or
2 Keeper, and which is neither a Dangerous Animal ~~vicious~~ nor in a dangerous condition of
3 health, may be released for adoption subject to the provisions of MCC 8.10.045.

4 (3) The Director shall dispose of Animals held for the prescribed period without redemption or
5 adoption only by means of euthanasia, provided, however, that, irrespective of any prescribed
6 holding period, the Director, upon advice of a licensed veterinarian, may dispose of any
7 unhealthy or injured impounded Animal by euthanasia.

8 (4) Any device attached to any Animal upon impoundment shall be retained, 30 days, by the
9 Director should the Animal be disposed of as provided in paragraph (3) of this subsection.

10 Otherwise, the device shall accompany the Animal when redeemed or adopted.

11 [Ord. 156 III(2) (1977); Ord. 276 2 (1981); Ord. 379 5, 6 (1983); Ord. 591 4 (1988); Ord.
12 732 3 (1992)]

13 Section VIII. AMENDMENT

14 MCC 8.10.045 is amended as follows:

15 (A) ~~An Animal A dog or cat~~ may be released for adoption or transferred to another adoption
16 agency, approved by the Director, subject to the following conditions:

17 (1) The adoptive Owner or Keeper shall agree in writing to furnish proper care to the Animal dog
18 ~~or cat~~ in accordance with this chapter;

19 (2) Payment of required fees; ~~however, including any medical care costs incurred during~~
20 impoundment Animals transferred to another adoption agency are exempt from the requirement
21 of paying adoption fees;

Multnomah County Animal Control Code

1 (3) In the case of a fertile dog or cat ~~not sexually unproductive~~, a surgical prepayment deposit in
2 an amount not to exceed \$45.00 refundable upon furnishing evidence that the Animal has been
3 rendered Sexually Unreproductive; and

4 (4) A written agreement by the adoptive Owner or Keeper to render any adopted dog or cat
5 Sexually Unreproductive within 30 days of adoption or upon the Animal attaining sexual
6 maturity, whichever event last occurs. Failure to perform the agreement shall be a forfeiture of
7 the amount deposited under paragraph (3) of this section and the Director may require return of
8 the adopted dog or cat to the shelter. It is unlawful to fail to return an adopted Animal as
9 required by the Director.

10 (B) The Director may decline to release an Animal for adoption under any of the following
11 circumstances:

12 (1) The prospective adoptive Owner or Keeper has a history of violations of the animal control
13 ordinance or has been convicted of an Animal related ~~the crime of cruelty to animals~~;

14 (2) The prospective adoptive Owner or Keeper has inadequate or inappropriate facilities for
15 confining the Animal ~~dog~~ and for providing proper care to the Animal as set out in MCC
16 8.10.190;

17 (3) The existence of other circumstances which in the opinion of the Director would endanger the
18 welfare of the Animal or the health, safety and welfare of the people residing in Multnomah
19 County. In making a decision under this subsection, the Director shall consider the guidelines
20 adopted by the Multnomah County Animal adoption panel.

21 (4) The Animal is a Dangerous Animal.

22 [Ord. 276 4 (1981); Ord. 379 7 (1983); Ord. 732 3 (1992)]

23 Section IX. AMENDMENT

Multnomah County Animal Control Code

1 MCC 8.10.050 is amended as follows:

2 (A) Pursuant to ORS 609.015(1), this chapter supersedes enforcement in Multnomah County of the
3 following state statutes: ORS 609.010(2), 609.030, 609.040, 609.060, 609.090, 609.092, 609.095,
4 609.097, 609.100, 609.110, 609.150, 609.155, 609.160, 609.170, 609.180, 609.190.

5 (B) Enforcement of ORS 433.340--433.390 shall be the responsibility of the Director and the county
6 health officer. ~~Such~~ ~~Provided~~ ~~such~~ enforcement procedures shall comply with the state law and are
7 not subject to the enforcement provisions of this chapter.

8 [Ord. 732 8 (1992)]

9 Section X. AMENDMENT

10 MCC 8.10.054 is amended as follows:

11 (A) Any party served a notice of infraction or Director's decision or order under this chapter MCC
12 ~~8.10.275 or 8.10.290~~ may appeal the infraction or Director's decision by submitting a notice of appeal
13 in writing along with the \$25.00 hearing fee to the animal control division within 20 days of the date
14 the notice of infraction or Director's decision or order was served on the party.

15 (B) Any party whose application for a Facility license or Dangerous Animal Facility license was
16 denied, revoked or issued subject to conditions may appeal the license denial, revocation or
17 conditional approval by submitting a notice of appeal in writing along with the \$25.00 hearing fee to
18 the animal control division within 20 days of the date the denial or conditional approval was mailed to
19 the applicant by certified mail.

20 ~~(C) Any party whose facility license has been revoked may appeal that revocation as provided in~~
21 ~~subsection (B).~~

22 [Ord. 732 9 (1992)]

23 Section XI. AMENDMENT

Multnomah County Animal Control Code

1 MCC 8.10.055 is amended as follows:

2 (A) The board shall adopt procedural rules governing the conduct and scheduling of the appeal
3 hearings under this chapter.

4 (B) Upon the receipt of a timely appeal, animal control division shall set the matter for hearing on the
5 next available date scheduled for animal control hearings.

6 (C) Any party appealing a notice of infraction or license denial/revocation or Director's decision or
7 order under this chapter shall be given a written notice of the hearing date no less than ten days prior
8 to the scheduled hearing.

9 (D) The Hearings Officer shall hold a public hearing on any timely appeal from a notice of infraction,
10 Director's decision or order, or the denial/revocation of a facility license. The party who brought the
11 appeal or any other person having relevant evidence concerning the nature of the infraction or license
12 denial/revocation shall be allowed to present testimony and documentary evidence at the hearing. The
13 Hearings Officer may consider mitigating or extenuating circumstances presented on behalf of a party.

14 (E) If the hearing is held to address a notice of infraction or Director's decision issued under MCC
15 8.10.275 or 8.10.290, the Hearings Officer shall determine whether the infraction contained in the
16 notice did occur. The Hearings Officer shall have the same authority as the Director under MCC
17 8.10.275 when conducting Potentially Dangerous dog hearings.

18 (F) If the hearing is held to address a Facility license condition, denial or revocation, the Hearings
19 Officer shall determine whether the license conditions were rightfully imposed or the license was
20 rightfully denied or revoked as provided under MCC 8.10.120.

21 (G) The Hearings Officer shall issue a written decision containing findings of fact addressing the
22 allegations contained in the notice of infraction, the Director's decision, or the license
23 denial/revocation under MCC 8.10.100 through 8.10.145. The decision shall clearly state the

Multnomah County Animal Control Code

1 Hearings Officer's conclusion and the reasoning based on the findings of fact. The decision shall be
2 signed and dated by the Hearings Officer and shall be served by personal service or regular and
3 certified mail to the last known address of the party who filed file the appeal. The decision shall be
4 final on the date of personal service or three (3) days after mailing.

5 (H) In all appeals under this chapter the Hearings Officer shall have discretion ordering conditions,
6 restrictions and penalties.

7 (I) Failure of a party to file an appeal as provided in this section or unexcused failure of a party to
8 appear at a duly scheduled hearing shall constitute a waiver by the party of any further appeal under
9 this chapter. Upon the entry of a waiver in the record, the last decision issued by the animal control
10 division shall become final.

11 [Ord. 732 10 (1992)]

12 Section XII. AMENDMENT

13 MCC 8.10.057 is amended as follows:

14 (A) In any appeal wherein the subject Animal has been impounded pending appeal of Director's
15 decision to the Hearings Officer, the Owner or Keeper of the Animal shall be required to post a
16 deposit with the Director in the amount of \$100.00 at the time an appeal is requested to apply
17 towards the expense of sheltering the Animal during the appeal process.

18 (B) If an Animal not previously impounded under this chapter is subsequently ordered to be
19 impounded by a Hearings Officer and the Owner or Keeper appeals the hearing officer's decision by
20 writ of review to the circuit court, the Owner or Keeper of the Animal shall be required to post a
21 deposit with the Director in the amount of \$100.00 at the time the notice of intent to file the writ of
22 review is submitted under MCC 8.10.056(B) to apply towards the expense of sheltering the Animal
23 during the pendency of the writ of review proceeding.

Multnomah County Animal Control Code

1 (C) In either situation described above in subsection (A) or (B), if the finding of a violation is upheld
2 on appeal, the Animal's Owner or Keeper shall be liable for the cost of the Animal's impoundment and
3 shall pay all fees incurred for sheltering and caring for the Animal, ~~or forfeit any amount remaining of~~
4 ~~the original deposit.~~ If the animal control division's finding is reversed on appeal the deposit shall be
5 refunded.

6 [Ord. 732 12 (1992)]

7 Section XIII. AMENDMENT

8 MCC 8.10.060 is amended as follows:

9 The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats not covered under a
10 Facility housed, kept or maintained within a dog facility or cat facility subject to licensure under MCC
11 8.10.100 to 8.10.140.

12 [Ord. 156 IV(1) (1977); Ord. 480 2 (1985)]

13 Section XIV. AMENDMENT

14 MCC 8.10.070 is amended as follows:

15 (A) Dogs and cats shall be licensed within 30 days of obtaining the age of six months or within 30
16 days of acquisition by the Owner or Keeper, whichever occurs later.

17 (B) Licenses shall be valid for one, two or three years from date of issuance, at the option of the pet
18 Owner or Keeper and, for dogs, shall require a current rabies inoculation for licensing period selected
19 and shall be issued upon payment of the fee required by MCC 8.10.220.

20 (C) Licenses issued under prior existing Multnomah County ordinances shall remain valid until
21 expiration.

22 (D) The Person who licenses an Animal becomes the Owner or Keeper of record and is responsible
23 for the action or behavior of his or her Animal.

Multnomah County Animal Control Code

1 [Ord. 156 IV(2a) (1977); Ord. 480 3 (1985); Ord. 732 3 (1992)]

2 Section XV. AMENDMENT

3 MCC 8.10.080 is amended as follows:

4 (A) Pet license tags shall be securely displayed upon Animals dogs at all times, except when the
5 Animal dog is confined to the Owner's or Keeper's premises or displayed in an exhibition. Pet owners
6 or keepers shall be allowed to choose the means by which to display the pet license number (tag,
7 collar, tattoo, microchip or another form of identification with the pet license number on it). A pet
8 license tag, with pet license number, shall be issued by the Director. Any additional expenses is to be
9 borne by the pet Owner or Keeper.

10 (B) A pet license is not transferable to another Animal dog or cat. The pet license number shall be
11 assigned to the Animal dog or cat and shall remain with the Animal upon transfer to another Owner
12 or Keeper for the life of the Animal license.

13 (C) An Animal displaying a current license from jurisdictions outside Multnomah County, but within
14 the State of Oregon, shall not require licensing under this chapter until expiration of the current
15 license, ~~provided that the dog remains in the possession of the owner or keeper to whom the license~~
16 ~~was duly issued.~~

17 (D) Animal Control may inspect the premises with 5 or more animals to insure that owners or keepers
18 are providing Minimum Care and facilities. A penalty of \$6.00 shall be charged for late renewal of a
19 license. Late renewal is defined as the first day of the month past the due date.

20 ~~(E) A penalty equal to twice the applicable license fee shall be charged to any person who fails to~~
21 ~~apply for an initial Multnomah County license within the times specified in this chapter.~~

22 ~~(F) Any penalty shall be in addition to the applicable license fee and payable at the time of issuance.~~

Multnomah County Animal Control Code

1 ~~(G) The pet license number shall be securely displayed upon cats at all times, except when the cat is~~
2 ~~displayed in an exhibition. Cat owners or keepers shall be allowed to choose the means by which to~~
3 ~~display the pet license number (tag, collar, tattoo or another form of identification with the pet license~~
4 ~~number on it). A pet license tag, with pet license number, shall be issued by the director. Any~~
5 ~~additional expense is to be borne by the cat owner or keeper.~~

6 [Ord. 156 IV(2b) (1977); Ord. 195 11 (1979); Ord. 480 5 (1985); Ord. 732 3 (1992)]

7 Section XVI. AMENDMENT

8 MCC 8.10.085 is repealed as follows:

9 ~~(A) All litters, dog and cat, must be registered with the director within four weeks of birth.~~

10 ~~Information to be submitted to the director includes date of birth, breed, number of animals in the~~
11 ~~litter, and name, address and telephone number of owner or keeper.~~

12 ~~(B) Upon receipt of the information in subsection (A) above, the director shall provide the owner or~~
13 ~~keeper with a litter registration number.~~

14 ~~(C) Upon registration of the litter, the director shall send to the owner or keeper a transfer record~~
15 ~~form for each animal in the litter. Upon sale or transfer of each animal in the litter, the litter owner or~~
16 ~~keeper shall complete the transfer record form and return it to the director. Information on the~~
17 ~~transfer record form shall include the following: specifics on the animal being transferred, including~~
18 ~~date of birth, breed, sex and color; litter registration number; litter owner or keeper information,~~
19 ~~including name, address and telephone number; new owner or keeper information, including name,~~
20 ~~address and telephone number.~~

21 ~~(D) Each dog and cat sold, traded, or otherwise transferred by a pet store, kennel, or other~~
22 ~~commercial animal establishment shall be reported to the director, on a transfer record form to be~~
23 ~~provided by the director. Information on the transfer record form shall include specifics on the animal~~

Multnomah County Animal Control Code

1 ~~being transferred, including date of birth, or, if unknown, approximate age, breed, sex, and color;~~
2 ~~information on the animal establishment including name of owner or keeper, name of establishment,~~
3 ~~address and telephone number; and new owner or keeper information, including name, address and~~
4 ~~telephone number.~~

5 [Ord. 379 12 (1983); Ord. 384 2 (1983); Ord. 732 3 (1992)]

6 Section XVII. AMENDMENT

7 MCC 8.10.090 is amended as follows:

8 (A) Fees shall be waived for licenses issued for any Service Animal guide-dog upon presentment of an
9 affidavit by the Animal's dog's Owner or Keeper. A Service Animal guide-dog license shall be valid
10 for the duration that the dog provides the service or upon retirement due to age or infirmity and life of
11 ~~the dog or~~ so long as the dog remains the property of the person named in the affidavit.

12 (B) License fees for dogs and cats owned by persons aged 65 or older and persons deemed by the
13 Director to be under financial hardship shall be reduced by 50 percent for up to two Animals one dog
14 ~~and one cat~~ per household, ~~provided, however, that the surcharge for late application shall be based~~
15 ~~on the applicable, unwaived, license fee for the animal.~~

16 [Ord. 156 IV(2c) (1977); Ord. 480 6 (1985); Ord. 684 3 (1991); Ord. 732 3 (1992)]

17 Section XVIII. AMENDMENT

18 MCC 8.10.100 is amended as follows:

19 (A) A Facility License dog-Facility or exotic, wild or d Dangerous Animal facility license shall be
20 ~~granted~~ require a license in accordance with procedures, standards and limitations provided in MCC
21 8.10.100 to 8.10.140, and no such facility may lawfully be operated except upon application and
22 payment of prescribed fees for the license.

Multnomah County Animal Control Code

1 (B) Issuance of the license shall require prior land use approval and shall be in compliance with any
2 land use restrictions or regulations which may apply to the proposed facility operation.

3 (C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in Portland, Oregon, shall
4 be exempt from the requirements of MCC 8.10.100 to 8.10.140.

5 [Ord. 156 V(1) (1977); Ord. 480 7 (1985)]

6 Section XIX. AMENDMENT

7 MCC 8.10.110 is amended as follows:

8 (A) Application for a Facility License or Wild, Dangerous, or Exotic Animal facility license shall be
9 made upon forms furnished by the Director, shall include all information required therein and shall be
10 accompanied by payment of the required fee.

11 (B) A Facility License or Dangerous Animal facility license shall be valid for one year, ~~two or three~~
12 ~~years~~ from the date of issuance, ~~at the option of the facility owner~~, unless revoked.

13 ~~(C) The fee for the first year shall be reduced by an amount equal to license fees already paid for~~
14 ~~individual dogs, provided, however, no refund shall be given where the amount of license fees paid~~
15 ~~for individual dogs exceeds the facility license fee.~~

16 ~~(D) During the first 365 days after January 21, 1978, persons filing applications and paying the~~
17 ~~required fee for a facility license shall be issued a receipt by the Director which shall constitute a~~
18 ~~preliminary license for the facility, subject to inspection of the facility by the director and final~~
19 ~~approval for operation.~~

20 ~~(C)~~(E) The Director shall inspect any facility for which a license is sought and, upon determination
21 that the facility and its operation complies with all applicable provisions of this chapter and other
22 applicable local, state and federal laws, shall issue a license which may include one or more conditions
23 of approval and/or operation.

Multnomah County Animal Control Code

1 ~~(D)~~(F) If the Director fails to approve or deny a fully completed an application within 60 days of its
2 receipt and payment of fees, the application shall be considered approved for the current year, subject
3 only to revocation as provided in MCC 8.10.120.

4 ~~(E)~~(G) A license shall be conspicuously displayed on the facility premises and a holder of a license
5 shall keep available for inspection by the Director a record of the name, address and telephone
6 number of the Owner or Keeper of each Animal dog kept at the facility, the date each Animal dog
7 was received, the purpose therefor, the name and address of the person from whom the Animal dog
8 was purchased or received, a description of each Animal dog including species, age, breed, sex and
9 color and the Animal's veterinarian, if known; at the discretion of the Director.

10 ~~(H) A dog or exotic, wild or dangerous animal not on the licensed premises shall bear identification;~~
11 ~~except when taking part in an animal show.~~

12 [Ord. 156 V(2) (1977); Ord. 480 8 (1985); Ord. 732 3 (1992)]

13 Section XX. AMENDMENT

14 MCC 8.10.120 is amended as follows:

15 (A) A license required by MCC 8.10.100 to 8.10.140 may be denied or revoked for any of the
16 following reasons:

17 (1) Failure to comply substantially with any provision of this chapter.

18 (2) Conviction of the Owner or Keeper or any person subject to the Owner's or Keeper's direction
19 or control for the violation of any provision of this chapter or other applicable state or federal
20 law, rule, order or regulation pertaining to any activity relating to Animals.

21 (3) Furnishing false information on an application for a license under this chapter.

22 (B) The Director shall refund 100 ~~50~~ percent of any fee paid upon denial of a license, provided,
23 however, no refund shall be made upon revocation.

Multnomah County Animal Control Code

1 (C) If the Director denies an application for a license or approves subject to conditions, the
2 determination is final unless the applicant appeals the denial or conditional approval.

3 (D) The Director shall investigate any complaint concerning licensed facilities and, upon
4 determination that a license should be revoked, shall serve written notice upon the licensee of that
5 determination by certified mail. The Director's determination shall become final unless appealed.

6 (E) Failure to file a timely request within 20 days, shall terminate any appeal right, and the Director's
7 decision revoking the license shall not be reviewable otherwise.

8 [Ord. 156 V(3) (1977); Ord. 732 3, 13 (1992)]

9 Section XXI. AMENDMENT

10 MCC 8.10.130 is amended as follows:

11 The Director shall not issue a Facility License or Wild, Dangerous, or Exotic Animal Facility license
12 ~~for any facility~~ until a site inspection demonstrates compliance with the standards set forth in this
13 ~~section~~, applicable to the nature and species of any Animal to be kept as set forth in this section:

14 (A) Housing structures shall be sound and maintained in good repair to protect Animals from injury,
15 safely confine any Animal housed therein and prevent entry of other Animals.

16 (B) Reliable and adequate electrical service and a potable water supply shall serve the facility.

17 (C) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation
18 ~~infection~~.

19 (D) Refrigeration shall be furnished for perishable foods.

20 (E) Safe and sanitary disposal facilities shall be available to eliminate Animal and food wastes,
21 bedding, dead Animals and debris and to minimize vermin infestation, odors and disease hazards.

22 (F) Cleaning Cleanliness facilities shall be available to Animal caretakers and handlers.

Multnomah County Animal Control Code

1 (G) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for Animals not
2 acclimatized to lower temperatures.

3 (H) Adequate ventilation shall be maintained to assure Animal comfort by such means as will provide
4 sufficient fresh air and minimize drafts, odors and moisture condensation. Mechanical ventilation must
5 be available when ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.

6 (I) Interior areas shall have adequate natural or artificial lighting provided, however, that primary
7 enclosures for Animals dogs shall be protected from excessive illumination.

8 (J) Interior building surfaces shall be so constructed and maintained to permit sanitizing and prevent
9 moisture penetration.

10 (K) Drainage facilities shall be available to assure rapid elimination of excess water from indoor
11 housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage
12 back-flow backflow.

13 (L) Outdoor facilities shall provide protective shading and adequate shelter areas designed to
14 minimize harmful exposure to weather conditions for those Animals not acclimatized to the
15 environment, if appropriate for the species.

16 ~~(M) In addition to the general standards contained in this section, the following standards of care shall~~
17 ~~apply specifically to the keeping of dogs in licensed facilities:~~

18 (H) The primary enclosure shall be of sufficient size to permit each Animal dog housed therein to
19 stand freely, sit, turn about and lie in a comfortable normal position as appropriate for the
20 species. ~~Not more than 12 dogs shall be housed in the same primary enclosure. Each dog~~
21 ~~housed in a primary enclosure shall be provided a minimum floor space equal to the~~
22 ~~mathematical square of the dog's length as measured from the tip of its nose to the base of its~~

Multnomah County Animal Control Code

1 ~~tail plus six inches.~~ An exercise area or means to provide each Animal dog with exercise shall be
2 provided on the premises.

3 ~~(N)(2)~~ When restraining devices are used in connection with a primary enclosure intended to permit
4 movement outside the enclosure, the devices shall be installed in a manner to prevent
5 entanglement with devices of other Animals dogs or objects and shall be fitted to the Animal
6 dog by a harness or well-fitted collar, other than a choke type collar, and shall be of reasonable
7 length ~~not be shorter than three times the length of the dog as measured from the tip of its nose~~
8 ~~to the base of its tail.~~

9 ~~(O)(3)~~ Animals Dogs shall be fed as often as necessary ~~at least once daily~~ a diet of nutritionally
10 adequate and uncontaminated foods.

11 ~~(P)(4)~~ Potable water shall be continuously available, unless otherwise recommended by a
12 veterinarian in a particular situation.

13 ~~(Q)(5)~~ Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall be sanitized
14 to prevent disease not less than once every two weeks by washing with hot water (180 degrees
15 Fahrenheit) and soap or detergent, by washing with a combination disinfectant and cleanser, by
16 washing with a detergent followed with a safe, effective disinfectant or by cleaning with steam.
17 Prior to the introduction of Animals dogs into empty enclosures previously occupied, the
18 enclosures shall be sanitized. Animals Dogs shall be removed from the enclosure during the
19 cleaning process and adequate care shall be taken to protect Animals in other enclosures.

20 ~~(R)(6)~~ Excrement shall be removed from primary enclosures a minimum of every 24 hours, or more
21 often, if necessary ~~as often as necessary~~ to prevent contamination, reduce disease hazards
22 and minimize odors.

Multnomah County Animal Control Code

1 (S)(7) Animals Dogs housed together in primary enclosures shall be maintained in compatible
2 groups with the following restrictions, except in residential dwelling:

3 (a) Females in season (estrus) shall not be placed with males except for breeding purposes;

4 (b) Animals exhibiting vicious behavior shall be housed separately;

5 (c) Animals six months or less of age shall not be housed with adult Animals other than with their
6 mothers dams, as appropriate for the species;

7 (d) Animals Dogs shall not be housed with other non-compatible species of Animals; and

8 (e) Animals Dogs under quarantine or treatment for any communicable disease shall be separated
9 from other Animals dogs.

10 (T)(8) Programs of disease control and prevention shall be established and maintained.

11 (U)(9) Each Animal dog shall be seen at least once per 24-hour period by an Animal caretaker.

12 (V) Owner or Keeper shall comply with the provisions of MCC 8.10.190 (B) 7 and (B) 9.

13 [Ord. 156 V(4) (1977)]

14 Section XXII. AMENDMENT

15 MCC 8.10.140 is amended as follows:

16 Any facility for keeping of any ~~exotic, wild or d~~ Dangerous Animal, whether or not otherwise licensed
17 under this chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the following
18 requirements:

19 (A) Animals must at all times be housed in a manner which assures that Animals will not create a
20 public nuisance by reason of noise or emission of offensive odors, present a danger to human
21 life or property, endanger the health of the Animals or create a safety or health hazard to human
22 beings. The facility must meet the standards as described in the Oregon Administrative Rules

Multnomah County Animal Control Code

1 chapter 603, division 11, sections 700 through 725 as published in 1994 and as is from time to
2 time amended or as required by the Director.

3 (B) An applicant for a license must demonstrate satisfactory proof to respond in damages for bodily
4 injury or death of any person or for damage to any property which may result from the keeping,
5 owning or control of the Animal. The Director may require posting of an adequate bond or
6 proof of liability insurance to remain in effect during any license period.

7 (C) A license issued under this section shall be subject to revocation by the Director under MCC
8 8.10.120.

9 [Ord. 156 V(5) (1977)]

10 Section XXIII. AMENDMENT

11 MCC 8.10.145 is repealed as:

12 ~~(A) A cat facility means any site, as identified by a mailing address, where four or more fertile cats six~~
13 ~~months of age or older are kept, whether the animals are property of the site owner or of other~~
14 ~~persons.~~

15 ~~(B) A cat facility shall require a license in accordance with the procedures, standards, and limitations~~
16 ~~as described herein; and no such facility may lawfully be operated except upon application and~~
17 ~~payment of prescribed fees for the license.~~

18 ~~(C) A cat facility license shall be valid for one, two and three years from the date of issuance, at the~~
19 ~~option of the facility owner, unless revoked.~~

20 ~~(D) Application for a cat facility license shall be made upon forms furnished by the director and shall~~
21 ~~include all information required therein and shall be accompanied by payment of the required fee.~~

22 ~~(E) Animals housed within a cat facility shall be kept in a humane and responsible manner, as~~
23 ~~provided for in MCC 8.10.190, provided, however, that MCC 8.10.130(M)(7)(e) shall not apply. The~~

Multnomah County Animal Control Code

1 ~~director may inspect any facility for which a license is sought, provided that such inspection is~~
2 ~~requested for a reasonable time and day, with the consent of the facility owner or keeper.~~

3 ~~(F) If the director fails to approve or deny an application within 60 days of its receipt and payment of~~
4 ~~fees, the application shall be considered approved for the current year, subject to revocation as~~
5 ~~provided in MCC 8.10.120.~~

6 ~~(G) A license shall be conspicuously displayed on the facility premises and a holder of a license shall~~
7 ~~keep available for inspection by the director an inventory of the cats kept at the facility, including age,~~
8 ~~breed, sex and color, and the animal's veterinarian, if known.~~

9 ~~(H) A cat facility license may be denied or revoked as provided in MCC 8.10.120. In such cases, the~~
10 ~~applicant may appeal the denial or revocation in accordance with the procedure provided in MCC~~
11 ~~8.10.120.~~

12 [Ord. 384 6 (1983); Ord. 480 9 (1985)]

13 Section XXIV. AMENDMENT

14 MCC 8.10.150 is amended as follows:

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

18 (B) No person shall carry an Animal:

19 (1) upon the hood, fender, running board or other external part of any moving automobile or

20 truck; or

21 (2) within the open bed of any moving pickup, flat-bed or similar vehicle, unless the dog is

22 cross-tethered or protected by framework, carrier or other device sufficient to keep it from falling

23 from the vehicle.

Multnomah County Animal Control Code

1 ~~(C)(B)~~ Any animal control or peace officer is authorized to remove any Animal from a motor vehicle
2 at any location when the officer reasonably believes it is confined in violation of subsection (A) of this
3 section. Any Animal so removed shall be delivered to the animal control shelter after the removing
4 officer leaves written notice of the removal and delivery, including the officer's name, in a
5 conspicuous, secure location on or within the vehicle. Such additional notice as may be required by
6 subsection (D) of MCC 8.10.040 shall be given upon impoundment of the removed Animal.

7 ~~(D)(C)~~ No animal control or peace officer shall be held criminally or civilly liable for action under this
8 section, provided the officer acts lawfully, in good faith, on probable cause and without malice.

9 [Ord. 156 VI(1) (1977)]

10 Section XXV. AMENDMENT

11 MCC 8.10.160 is amended as follows:

12 (A) Any person who finds and harbors an Animal ~~a dog or cat~~ without knowing the Animal ~~dog or~~
13 ~~cat~~ Owner's or Keeper's identity shall notify the Director and furnish a description of the Animal ~~dog~~
14 ~~or cat~~ within 5 days after the date of finding the Animal.

15 (B) The finder may surrender the Animal to the Director or retain its possession, subject to surrender
16 upon demand of the Director.

17 (C) Records of reported findings shall be retained for six months by the Director and made available
18 for public inspection.

19 (D) If the finder chooses to retain possession of the Animal, the finder shall, within 15 days, cause to
20 be published in a newspaper of general circulation in the county a notice of the finding once each
21 week for two consecutive weeks. Each such notice shall state the description of the animal, the
22 location where the Animal was found, the name and address of the finder and the final date before
23 which such Animal may be claimed. If the finder does not wish to have his or her name and address

Multnomah County Animal Control Code

1 appear in the notice, he or she may obtain a case number from Multnomah County Animal Control
2 and have that number published in the newspaper along with the phone number for Animal Control
3 for contact.

4 (E) If no person appears and claims ownership of the Animal prior to the expiration of 90 days after
5 the date of the notice to the Director under subsection (A) of this section, the finder shall be declared
6 the Owner of the Animal. Any person becoming Owner of any Animal under the provisions of this
7 subsection shall assume the responsibilities of an Owner under this chapter.

8 (F) If within three months of the finder's notice to the Director the Animal's Owner does appear and
9 establish ownership of the Animal, the finder shall surrender possession of the Animal to that Owner,
10 provided, however, that the Owner first tender to the finder payment for all of the finder's reasonable
11 actual costs incurred for giving of notice, providing urgent veterinary care and keeping of the Animal.

12 (G) Any dispute as to ownership or right to possession of the Animal, or as to the amount of the
13 finder's costs, shall be submitted to the Director in writing, who shall promptly decide the matter in
14 writing. Any party aggrieved by the Director's decision may appeal the decision under MCC 8.10.054
15 through 8.10.057.

16 (H) Notwithstanding any other provision in this section, any person who prior to December 31, 1995
17 found and harbored any dog or cat and who notified the Director and furnished a description of the
18 Animal shall be the Animal's Owner if, prior to the expiration of three months after the Director was
19 notified, no person appeared and claimed ownership of the Animal. Any person becoming Owner of
20 any animal under the provisions of this subsection shall assume the responsibilities of an Owner under
21 this chapter.

22 [Ord. 156 VI(2) (1977); Ord. 379 8 (1983); Ord. 732 3 (1992)]

23 Section XXVI. AMENDMENT

Multnomah County Animal Control Code

1 MCC 8.10.170 is amended as follows:

2 Any person in physical possession ~~or and~~ control of any Animal off the property of the Animal's
3 ~~Owner or keeper in a public place~~ shall immediately remove excrement or other solid waste deposited
4 by the Animal in any public area or private property in any public area not designed to receive these
5 ~~wastes, including but not limited to streets, sidewalks, parking strips and public parks.~~

6 [Ord. 156 VI(3) (1977)]

7 Section XXVII. AMENDMENT

8 MCC 8.10.180 is amended as follows:

9 No person shall knowingly place food of any description containing poisonous or other injurious
10 ingredients in any area reasonably likely to be accessible to Animals, except as provided by law for
11 nuisance, vector, or predator control.

12 [Ord. 156 VI(4) (1977)]

13 Section XXVIII. AMENDMENT

14 MCC 8.10.190 is amended as follows:

15 (A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for
16 the behavior of his or her Animal regardless of whether the owner or another member of the owners
17 household or a household visitor Permitted the Animal to engage in the behavior that is the subject of
18 the violation. the term "permit" shall include human conduct that is intentional, deliberate, careless,
19 inadvertent or negligent in relation to an owned Animal.

20 (B) It is unlawful for any person to:

21 (1) Permit an Animal to become an Animal at Large.

22 (2) Permit an Animal to trespass upon property of another.

Multnomah County Animal Control Code

- 1 (3) ~~Keep a Vicious Animal or a dog that has been found to have engaged in level 5 behavior as~~
2 ~~described in MCC 8.10.270.~~
- 3 (4) Fail to comply with requirements of this chapter which apply to the keeping of an Animal, or
4 Dangerous Animal or any facility where such Animals are kept.
- 5 (5) Permit a dog in season (estrus) to be accessible to a male dog not in the person's ownership
6 except for intentional breeding purposes.
- 7 (6) Permit any Animal unreasonably to cause annoyance, alarm or noise disturbance at any time of
8 the day or night, by repeated barking, whining, screeching, howling, braying or other like
9 sounds which may be heard beyond the boundary of the Owner's or Keeper's property.
- 10 (7) Leave an Animal unattended for more than 24 consecutive hours without Minimum Care.
- 11 (8) Deprive an Animal of proper facilities or care, including but not limited to the items prescribed
12 in ~~paragraphs (1), (2), 3), (4), (6) and (7) of subsection (M) of MCC 8.10.130.~~ Proper shelter
13 shall include a structure that does not leak, will provide protection from the weather and is
14 maintained in a condition to protect the Animals from injury.
- 15 (9) Physically mistreat any Animal either by ~~deliberate~~ abuse or neglect or failure to furnish
16 minimum care, ~~including medical attention.~~
- 17 (10) Permit any Animal to leave the confines of any officially prescribed quarantine area.
- 18 (11) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(A) or (B).
- 19 (12) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(C) through
20 8.10.270(DE).
- 21 (13) Permit any dog to engage in the behavior described in MCC 8.10.271.
- 22 (C) For the purpose of this section "Owner" shall mean either Owner or Keeper as defined under
23 this Chapter.

Multnomah County Animal Control Code

1 [Ord. 156 VI(5) (1977); Ord. 517 4 (1986); Ord. 732 3, 14 (1992)]

2 Section XXIX. AMENDMENT

3 MCC 8.10.191 is amended as follows:

4 (A) The failure to comply with any conditions or restrictions lawfully imposed pursuant to a notice of
5 infraction or Director's decision not otherwise stayed under MCC 8.10.056 is a violation of this
6 chapter. Failure to pay the civil fine shall be an a infraction under this section. A notice of infraction
7 issued under this section for failure to comply shall be of the same classification as the original
8 infraction. The first notice of infraction issued under this section shall not be construed as a second
9 offense under MCC 8.10.900(B).

10 (B) Except as provided in MCC 8.10.191(C), all enforcement actions under this section shall be
11 brought before a Hearings Officer.

12 (C) Any enforcement action for failure to comply wherein the circumstances of the failure to comply
13 by the party in violation are determined by the Director to:

14 (1) Be a substantial risk to public safety; or

15 (2) Be a substantial risk to the care and treatment of the subject Animal(s); or

16 (3) Be a failure to pay past-due fines on three or more infractions within a 12-month period;

17 shall be brought in the state court as provided under ORS 203.810 and ORS 30.315.

18 (D) Notwithstanding subsection (A) of this section, a notice of failure to comply issued under this
19 section that is based solely on the failure to pay the annual classified dog fee under MCC
20 8.10.280(G), shall be a Class C infraction.

21 [Ord. 732 15 (1992); Ord. 773, 2 (1993)]

22 Section XXX. AMENDMENT

23 MCC 8.10.192 is added as follows:

Multnomah County Animal Control Code

1 (A) Whenever a Public Nuisance Animal, as determined by the Director under this Chapter is found
2 on any premises within the jurisdiction of the County, a written order may be given to the Owner or
3 keeper of the Animal(s), or to the Owner, occupant, person in possession, person in charge, or person
4 in control of the premises where the Animal(s) is(are) located, or a written order may be posted at
5 such premises when none of the above people can be found at the premises. Such order shall be
6 signed by the Director and shall give the person or person to whom it is directed no less than
7 seventy-two (72) hours (three (3) days) nor more than one hundred twenty (120) hours (five (5)
8 days) to remove and abate the nuisance.

9 (B) If, after the time given to comply with the notice has passed, the nuisance has not been abated,
10 the Director may summarily abate the nuisance by ordering impoundment of the Animal(s) and assess
11 the cost of such abatement against the Owner or keeper of the Animal(s), or the Owner, occupant,
12 person in possession, person in charge, or person in control of the premises where the Animal(s)
13 is(are) located, to be collected by suit or otherwise, in addition to the penalties for the violation
14 thereof.

15 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as provided in
16 subsection (A) and shall be construed as interference with the Director under MCC 8.10.030 (D).

17 (D) (1) Any party served a written order to abate a nuisance as provided in subsection (A) of this
18 section, may appeal the order as provided under MCC 8.10.054. The appeal under this section may
19 be consolidated with any underlying infraction still pending and eligible for appeal under this chapter.
20 Provided, any challenge to an enforcement action brought under subsection (C) of this section,
21 including issues relating to the validity of the order to abate the nuisance, shall be joined in one State
22 Court proceeding, and there shall be no further administrative review or appeal except as directed by
23 the Court.

Multnomah County Animal Control Code

1 (2) Any Animal impounded pursuant to the order to abate shall not be released until such time as
2 the Director, Hearings Officer, or Court of competent jurisdiction orders such release.

3 (E) (1) Any enforcement action first brought under MCC 8.10.191 (C) shall bar any enforcement
4 action brought under this section in relation to the same event or series of events subject to regulation
5 and enforcement under this Chapter.

6 (2) Notwithstanding MCC 8.10.191 (C), any enforcement action first brought under this section
7 shall bar any enforcement action brought under MCC 8.10.191 (C) in relation to the same event or
8 series of events subject to regulation and enforcement under this Chapter.

9 Section XXXI. AMENDMENT

10 MCC 8.10.200 is repealed as follows:

11 ~~It is unlawful for any person in Multnomah County to:~~

12 ~~(A) Harbor, keep, possess, breed or deal in gamecocks; or~~

13 ~~(B) Knowingly and intentionally, whether for amusement of self or others, or for financial gain,~~

14 ~~cause any animal to fight or injure any other animal, cause it to be fought or injured by any~~

15 ~~other animal or to train or keep for the purpose of training any animal with the intent that the~~

16 ~~animal shall be exhibited combatively with any other animal. Anyone who permits such conduct~~

17 ~~on premises under that person's control, and any person present as a spectator at that~~

18 ~~exhibition, shall be considered a violator of this subsection and subject to punishment upon~~

19 ~~conviction.~~

20 [Ord. 156 VI(6) (1977)]

21 Section XXXII. AMENDMENT

22 MCC 8.10.210 is amended as follows:

Multnomah County Animal Control Code

(A) Owners or keepers 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 or Keeper whose Livestock are in violation of this chapter or any other statute pertaining to Livestock shall reimburse the county for any expenses incurred for investigation of the violation if reimbursement is not otherwise provided for in MCC 8.10.230 or other applicable statutes. Reimbursement claims shall be a debt due the county and enforceable as such at law.

[Ord. 156 VI(7) (1977); Ord. 732 3 (1992)]

Section XXXIII. AMENDMENT

MCC 8.10.220 is amended and added to as follows:

Fees shall be imposed under this chapter as follows:

	One	Two	Three
	Year	Years	Years
		Discount	Discount

(A) Pet licenses:

(1) Dogs:

(a) Fertile	\$ 25.00	\$ 46.00	\$ 60.00
(b) Sexually Unreproductive	10.00	17.00	24.00

(2) Cats:

(a) Fertile	15.00	25.00	36.00
(b) Sexually unreproductive	8.00	14.00	19.00

(3) License replacement 3.00

Multnomah County Animal Control Code

1	(B) Facilities license:		
2	(1) <u>Facility Dogs</u>	<u>142.00</u>	100.00 -200.00 -300.00
3	(2) Exotic, wild or d <u>Dangerous animal facility</u>	<u>200.00</u>	142.00
4	(3) Cats	50.00	100.00 -150.00
5	(C) County shelter rates:		
6	(1) Impoundment fee dogs:		\$25.00
7	(2) Impoundment fee, cats		15.00
8	(3) Animals other than Livestock		15.00
9	(4) Daily care for any portion of a 24-hour period from time of impoundment:		
10	(a) Dogs		8.00
11	(b) Cats		5.00
12	(c) Livestock		8.00
13	(d) Other animals		5.00
14	(5) Veterinary fees		<u>25.00</u> 20.00
15	(6) Disposal fees:		
16	(a) Euthanasia and disposal		25.00
17	(b) Dead Animal disposal		15.00
18	(c) Release of unwanted Animals by Owner or Keeper		15.00
19	(d) Release of two or more Animals by Owner or Keeper		25.00
20	(e) <u>Turn-in of out of County stray cat</u>		<u>5.00</u>
21	(f) <u>Turn-in of out of County stray dog</u>		<u>10.00</u>
22	(7) Adoption fees:		
23	(a) Dogs:	(i) Fertile 65.00	(ii) Sterile 25.00

Multnomah County Animal Control Code

1	(b) Cats:	(i) Fertile 45.00	(ii) Sterile 20.00
2	<u>(D) Livetraps Rental:</u>		
3	<u>(1) Cat Trap Deposit fee (per trap)</u>		<u>\$35.00</u>
4	<u>(2) Cat Trap Weekly Rental fee</u>		<u>5.00</u>
5	<u>(3) Dog Trap Deposit fee</u>		<u>200.00</u>
6	<u>(4) Dog Trap Weekly Rental fee</u>		<u>10.00</u>
7	<u>(E) Appeal Hearing:</u>		
8	<u>(1) Fee:</u>		<u>\$25.00</u>
9	<u>(2) Boarding Deposit:</u>		<u>\$100.00</u>
10	<u>(F) Stray Livestock Fees:</u>		
11	<u>(1) Hourly fee (per person):</u>		<u>\$37.00</u>
12	<u>(2) Mileage fee (per mile per vehicle):</u>		<u>\$0.30</u>
13	<u>(G) Potentially Dangerous Dog Classification Fees:</u>		
14	<u>(1) Level 1 (per year):</u>		<u>\$50.00</u>
15	<u>(2) Level 2 and Level 3 (per year):</u>		<u>\$100.00</u>
16	<u>(3) Level 4 (per year):</u>		<u>\$150.00</u>
17	<u>(H) Declassification</u>		
18	<u>(1) Fee:</u>		<u>\$40.00</u>
19	[Ord.-156 VII(1)--(3) (1977); Ord. 195 12 (1979); Ord. 262 1 (1981); Ord. 379 9 (1983); Ord.		
20	384 4 (1983); Ord. 480 10 (1985); Ord. 683 1 (1991); Ord. 732 3 (1992)]		
21	Section XXXIV.	<u>AMENDMENT</u>	
22	MCC 8.10.230 is amended as follows:		

Multnomah County Animal Control Code

1 For the expenses incurred by the county in locating, transporting and otherwise attending any stray
2 Livestock ~~other than a dog~~, the Owner or Keeper or other person lawfully claiming the Animal shall
3 pay to the county a fee in the amount of \$37.00 per person hour plus an additional payment of \$0.30
4 for each mile traveled ~~by county personnel~~ in locating and transporting the Animal.

5 [Ord. 156 VII(4) (1977); Ord. 262 2 (1981); Ord. 683 2 (1991); Ord. 732 3 (1992)]

6 Section XXXV. AMENDMENT

7 MCC 8.10.260 is amended as follows:

8 ~~Effective January 1, 1996, \$25,000 from January 1, 1984, no less than ten percent of all revenue~~
9 ~~generated by pet dog licensing and cat registration shall be used solely for public education and low~~
10 ~~cost spay/neuter programs for the purpose of reducing the number of unwanted Animals in~~
11 ~~Multnomah County.~~

12 [Ord. 379 14 (1983); Ord. 384 3 (1983)]

13 Section XXXVI. AMENDMENT

14 MCC 8.10.270 is amended as follows:

15 ~~Classification of a dog~~ A dog may be classified as potentially dangerous, shall be based upon specific
16 behaviors exhibited by the dog. For purposes of MCC 8.10.265 through 8.10.285, behaviors
17 establishing various levels of Potentially Dangerous Dogs potential-dangerousness are as follows:

18 (A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening
19 or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic
20 Animal.

21 (B) Level 2 behavior is established if a dog while at large, causes Physical Injury to any domestic
22 Animal.

Multnomah County Animal Control Code

1 (C) Level 3 behavior is established if a dog, while confined in accordance with MCC 8.10.010(B),
2 aggressively bites or causes any Physical Injury to any Person.

3 (D) Level 4 behavior is established if:

4 (1) A-a dog, while at large,

5 (a) Aggressively Bites or causes Physical Injury to any Person; or ~~a dog, while at large,~~

6 (b) kills a domestic Animal; or

7 (2) A dog classified as a Level 3 Potentially Dangerous Dog that repeats the behavior in subsection

8 (C) of this section after the Owner or Keeper receives notice of the Level 3 classification.-

9 ~~(E) Level 5 behavior is established if:~~

10 ~~(1) A dog, whether or not confined, causes the Serious Injury or death of any person; or~~

11 ~~(2) A dog is used as a weapon in the commission of a crime; or~~

12 ~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the behavior described in~~

13 ~~subsection (D) of this section after the Owner or Keeper receives notice of the Level 4~~

14 ~~classification.-~~

15 ~~(E)~~(F) Notwithstanding subsections (A) through ~~(DE)~~ of this section, the Director shall have

16 discretionary authority to refrain from classifying a dog as potentially dangerous, even if the

17 dog has engaged in the behaviors specified in subsections (A) through (E) of this section, if the

18 Director determines that the behavior was the result of the victim abusing or tormenting the dog

19 or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

20 [Ord. 517 3 (1986); Ord. 591 2 (1988); Ord. 732 3 (1992)]

21 Section XXXVII. AMENDMENT

22 MCC 8.10.271 is added to as follows:

Multnomah County Animal Control Code

1 (A) Classification of a dog as a Dangerous Animal shall be based upon the dog engaging in any of
2 the following behaviors:

3 (1) A dog, whether or not confined, causes the Serious Physical Injury or death of any person; or

4 (2) A dog is used as a weapon in the commission of a crime; or

5 (3) A dog classified as a Level 4 potentially dangerous dog that repeats the behavior described in
6 MCC 8.10.270 (C) or (D) of this section after the Owner or Keeper receives notice of the Level
7 4 classification.

8 (B) Notwithstanding subsections (A) of this section, the Director or Hearings Officer shall have
9 discretionary authority to refrain from classifying a dog as a Dangerous Animal, even if the dog
10 has engaged in the behaviors specified in subsection (A) of this section, if the Director or
11 Hearings Officer determines that the behavior was the result of the victim abusing or tormenting
12 the dog or was directed towards a trespasser or other extenuating circumstances that
13 establishes that the dog does not constitute an unreasonable risk to human life or property.

14 (C) If a dog is classified under this section as a Dangerous Animal, the Director shall have
15 discretion to order the dog not be euthanized provided the dog is placed in a certified
16 Dangerous Animal Facility as defined under this Chapter.

17 (D) The Director in making a determination under MCC 8.10.271 (C) may consider any relevant
18 evidence that addresses one or more of the following factors:

19 (1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a
20 Dangerous Dog Facility; or

21 (2) Whether the dog has been through a certified obedience or other training program; or

22 (3) Whether the dog is a good candidate for obedience training based upon the testimony of a
23 certified animal trainer or behaviorist, or

Multnomah County Animal Control Code

1 (4) The reasonable likelihood of no repeated behavior by the Animal in violation of this
2 Chapter.

3 Section XXXVIII. AMENDMENT

4 MCC 8.10.275 is amended as follows:

- 5 (A) The Director shall have authority to determine whether any dog has engaged in the behaviors
6 specified in MCC 8.10.270 or 8.10.271. This determination may be based upon an investigation
7 that includes observation of and testimony about the dog's behavior, including the dog's
8 upbringing and the Owner's or Keeper's control of the dog, and other relevant evidence as
9 determined by the Director. These observations and testimony can be provided by Multnomah
10 County animal control officers or by other witnesses who personally observed the behavior.
11 They shall sign a written statement attesting ~~atesting~~ to the observed behavior and agree to
12 provide testimony regarding the dog's behavior if necessary.
- 13 (B) The Director shall have the discretion to increase or decrease a classified dog's restrictions
14 based upon relevant circumstances.
- 15 (C) The Director shall give the dog's Owner or Keeper written notice by certified mail or personal
16 service of the dog's specified behavior, of the dog's classification as a Potentially Dangerous
17 Dog or Dangerous Animal, of the fine imposed, and of the restrictions applicable to that dog by
18 reason of its classification. If the Owner or Keeper denies that the behavior in question
19 occurred, the Owner or Keeper may appeal the Director's decision to the Hearings Officer by
20 filing a written request for a hearing with the Director as provided under MCC 8.10.054.
- 21 (D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4 Potentially Dangerous
22 Dog or Dangerous Animal pursuant to subsection (C) of this section, the Owner or Keeper
23 shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to

Multnomah County Animal Control Code

1 comply with the specified restrictions shall be a violation of this chapter for which a fine can be
2 imposed. Additionally, the Director shall have authority to impound the dog pending
3 completion of all appeals.

4 (E) If the Director's decision or the Hearings Officer's decision finds that a dog has engaged in
5 Dangerous Animal Level-5 behavior, the dog shall be impounded pending the completion of a
6 Dangerous Animal facility application or any appeals.

7 [Ord. 517 3 (1986); Ord. 550 2, 3 (1987); Ord. 591 3 (1988); Ord. 732 3, 16 (1992)]

8 Section XXXIX. AMENDMENT

9 MCC 8.10.280 is amended as follows:

10 In addition to the other requirements of MCC chapter 8.10, the Owner or Keeper of a potentially
11 dangerous dog shall comply with the following conditions:

12 (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC 8.10.010(B) by a
13 physical device or structure, in a manner that prevents the dog from reaching any public
14 sidewalk, or adjoining property and must be located so as not to interfere with the public's legal
15 access to the Owner's or Keeper's property, whenever that dog is outside the Owner's or
16 Keeper's home and not on a leash.

17 (B) Dogs classified as Level 2 dogs shall be confined within a Secure Enclosure whenever the dog
18 is not on a leash ~~or inside the home of the owner or keeper~~. The Secure Enclosure must be
19 located so as not to interfere with the public's legal access to the Owner's or Keeper's property.
20 In addition, the Director may require the Owner or Keeper to obtain and maintain proof of
21 public liability insurance. In addition, the Owner or Keeper may be required to complete ~~pass~~ a
22 responsible pet ownership program as prescribed ~~test-administered~~ by the Director or a
23 Hearings Officer.

Multnomah County Animal Control Code

1 (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a Secure Enclosure
2 whenever the dog is not on a leash ~~or inside the home of the owner or keeper~~. The Secure
3 Enclosure must be located so as not to interfere with the public's legal access to the Owner's or
4 Keeper's property, and the Owner or Keeper shall post warning signs, which are provided by
5 the Director, on the property where the dog is kept, in conformance with rules to be adopted by
6 the Director. In addition, the Director may require the Owner or Keeper to obtain and maintain
7 proof of public liability insurance. The Owner or Keeper shall not permit the dog to be off the
8 Owner's or Keeper's property unless the dog is muzzled and restrained by an adequate leash and
9 under the control of a capable person. In addition, the Director may require the Owner or
10 Keeper to satisfactorily complete a pet ownership program.

11 (D) Dogs classified as a Dangerous Animal Level-5 dogs as described in MCC 8.10.2710 shall be
12 euthanized or placed in a Dangerous Animal Facility as determined by the Director or Hearings
13 Officer. A dog classified as a Dangerous Animal shall be confined within a Secure Enclosure
14 with a double security gate and shall meet the requirements in subsection (C) above. In
15 addition, the Director or Hearings Officer may suspend, for a period of time specified by the
16 Director or Hearings Officer, that dog Owner's or Keeper's right to be the Owner or Keeper of
17 any dog in Multnomah County, including dogs currently owned by that person.

18 (E) All dogs classified as Dangerous Animals Level-5 ~~potentially dangerous dogs~~, and determined
19 by the Director or Hearings Officer to be euthanized shall be euthanized at any time not less
20 than 20 days after the date of classification. Notification to the Director of any appeal to the
21 Hearings Officer as provided for in MCC 8.10.054(A) or to any court of competent jurisdiction
22 shall delay destruction of the dog until a date not less than 15 days after a final decision by the
23 Hearings Officer or final judgment by the court.

Multnomah County Animal Control Code

- 1 (F) To insure correct identification, all dogs that have been classified as potentially dangerous or
2 Dangerous Animals shall ~~may~~ be marked with a permanent identifying mark, micro-chipped,
3 photographed, or fitted with a special tag or collar determined ~~provided~~ by the Director at the
4 Owner's expense. The Director shall adopt rules specifying the type of required identification.
- 5 (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(1) and (2), there shall
6 be an annual fee of \$50.00 for dogs classified at Level 1; and \$100.00 for dogs classified at
7 Level 2 and 3 and; \$150 for dogs classified at Level 4. This additional fee shall be imposed at
8 the time of classification of the potentially dangerous dog, and shall be payable within 30 days
9 of notification by the Director. Annual payment of this additional fee shall be payable within 30
10 days of notification by the Director.
- 11 (H) The Owner or Keeper of a Potentially Dangerous Dog or dogs classified as Dangerous Animals
12 shall not permit the warning sign to be removed from the Secure Enclosure, and shall not
13 permit the special tag or collar to be removed from the classified dog. The Owner or Keeper of
14 a Potentially Dangerous Dog or dogs classified as Dangerous Animals shall not permit the dog
15 to be moved to a new address or change owners or keepers without providing the Director with
16 ten days' prior written notification.
- 17 (I) Declassification of Potentially Dangerous Dogs or dogs classified as Dangerous Animals. Any
18 Owner or Keeper of a classified Potentially Dangerous Dog or a dog classified as a Dangerous
19 Animal may apply to the Director, in writing, to have the restrictions reduced or removed.
- 20 (1) The following conditions must be met:
- 21 (a) Level 1 or Level 2 dogs have been classified for one year without further incident, or
22 two years for Level 3 or Level 4 dogs, four years for dogs classified as Dangerous
23 Animals; and

Multnomah County Animal Control Code

- 1 (b) The Owner or Keeper provides the Director with written certification of satisfactory
2 completion of obedience training for the dog classified, with the Owner or Keeper; and
3 (c) There have been no violations of the specified regulations; and
4 (d) In addition, the Director may require the dog Owner or Keeper to provide written
5 verification that the classified dog has been spayed or neutered.
6 (e) Any reclassification request submitted under this subsection must include \$40.00 review
7 fee.
8 (f) Any other condition ordered by the Director or Hearings Officer at the time of
9 classification.

10 (2) When the Owner or Keeper of a Potentially Dangerous Dog meets all of the conditions in
11 this subsection, the restrictions for Level 1 and Level 2 classified dogs may be removed.
12 Restrictions for Level 3, and Level 4 dogs, and dogs classified as Dangerous Animals may
13 be removed, with the exception of the Secure Enclosure.

14 [Ord. 517 3 (1986); Ord. 591 4 (1988); Ord. 732 3, 17 (1992); Ord. 773, 3 (1993)]

15 Section XXXX. AMENDMENT

16 MCC 8.10.285 is amended as follows:

17 Any person who observes or has evidence of behavior as described in MCC 8.10.270 or 8.10.271
18 shall forthwith notify the Director.

19 [Ord. 517 3 (1986)]

20 Section XXXXI. AMENDMENT

21 MCC 8.10.290 is amended as follows:

Multnomah County Animal Control Code

1 (A) The Director or Hearings Officer shall have authority to determine whether any infraction of this
2 chapter warrants other restrictions and conditions be imposed on the party in violation as provided in
3 MCC 8.10.900(C), in addition to the civil fine.

4 (B) This determination may be based upon an investigation that includes observation of and testimony
5 about the circumstances and the nature of the infraction, including the animal's behavior, the Owner's
6 control of the Animal, the care and treatment of the Animal, and other relevant evidence as
7 determined by the Director. These observations and testimony can be provided by Multnomah County
8 Animal Control officers or by other witnesses who personally observed the circumstances. They shall
9 sign a written statement attesting to the observed circumstances and agree to provide testimony, if
10 necessary.

11 (C) The Director shall give the party in violation written notice by regular and certified mail or
12 personal service of the Director's decision imposing a fine and any conditions or restrictions under this
13 section and MCC 8.10.900(C). The notice shall contain a brief explanation why the additional
14 conditions and restrictions were imposed. If the party wishes to challenge the Director's decision, the
15 party may appeal, as provided under MCC 8.10.054.

16 [Ord. 732 18 (1992)]

17 Section XXXXII. AMENDMENT

18 MCC 8.10.900 is amended and added to as follows:

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

20 (1) Class A infractions. Violations of the following sections or subsections shall be Class A
21 infractions:

22 (a) MCC 8.10.030;

23 (b) MCC 8.10.150;

Multnomah County Animal Control Code

1 ~~(c)~~(b) MCC 8.10.180;

2 ~~(d)~~(e) MCC 8.10.190(B)(3);

3 ~~(e)~~(d) MCC 8.10.190(B)(8);

4 ~~(f)~~(e) MCC 8.10.190(B)(9);

5 ~~(g)~~(f) MCC 8.10.190(B)(10);

6 ~~(h)~~(g) MCC 8.10.190(B)(12);

7 ~~(i)~~ MCC 8.10.190(B)(13);

8 ~~(j)~~ MCC 8.10.192;

9 ~~(k)~~(h) MCC 8.10.200.

10 (2) Class B infractions: Violations of the following sections or subsections of this chapter shall be

11 Class B infractions:

12 ~~(a)~~ 8.10.045(A)(4);

13 ~~(a)~~ 8.10.150;

14 (b) 8.10.155;

15 (c) 8.10.190(B)(4);

16 (d) 8.10.190(B)(5);

17 (e) 8.10.190(B)(6);

18 (f) 8.10.190(B)(7);

19 (g) 8.10.190(B)(11).

20 (3) Class C infractions. Infractions of the following sections or subsections of this chapter shall be

21 Class C infractions:

22 (a) 8.10.070;

23 (b) 8.10.170;

Multnomah County Animal Control Code

1 (c) 8.10.190(B)(1);

2 (d) 8.10.190(B)(2);

3 (e) 8.10.210.

4 (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation of this chapter not
5 listed in this subsection shall be a Class A infraction.

6 (B) Fines:

7 (1) Class A infraction. A fine for Class A infraction shall be no less than \$100.00 nor more than
8 \$500.00 for a first offense. The fine for a second Class A infraction committed within 12
9 months from the date that the first offense was committed shall be no less than \$200.00, nor
10 more than \$500.00. The fine for a third Class A infraction committed within 12 months from
11 the date that the first offense was committed, the fine shall be not less than \$500.00.

12 (2) Class B infraction. A fine for Class B infraction shall be no less than \$50.00 nor more than
13 \$250.00 for a first offense. If the violator committed either a Class A or B infraction within the
14 12-month period immediately prior to the date of the second infraction, the fine shall be no less
15 than \$100.00 nor more than \$250.00. If the violator has committed two or more Class A or B
16 infractions within the 12-month period immediately prior to the date of the most recent notice
17 of infraction for a Class B infraction, the fine shall be \$250.00.

18 (3) Class C infractions: A fine for a Class C infraction shall be no less than \$30.00 nor greater than
19 \$150.00 for a first offense. If the violator has committed a Class A, B, or C infraction within the
20 12-month period immediately prior to the date of the second infraction, the fine shall be no less
21 than \$50.00 nor more than \$150.00. If the violator has committed two or more Class A, B, or
22 C infractions within the 12-month period immediately prior to the date of the most recent
23 notice of infraction for a Class C infraction, the fine shall be \$150.00.

Multnomah County Animal Control Code

1 (C) Additional conditions and restrictions. In addition to the monetary civil penalties imposed for
2 infractions of this chapter, and the regulations applicable under MCC 8.10.280, the Director and the
3 Hearings Officer shall have authority to order additional restrictions and conditions upon the party in
4 violation, including but not limited to:

5 (1) Require the Owner or Keeper and Animal violator to satisfactorily complete an obedience
6 program approved by the Director or Hearings Officer at Owner's or Keeper's expense;

7 (2) Require the Owner or Keeper violator to attend a responsible pet ownership program adopted
8 and/or approved by the Director or Hearings Officer, at the Owner's or Keeper's violator's
9 expense;

10 (3) Require the Owner or Keeper of an Animal that unreasonable causes annoyance, as described in
11 8.10.190(B)(6), to keep the Animal inside the Owner or Keeper's residence during hours
12 specified by the Director or Hearings Officer between the hours of 10:00 p.m. and 7:00 a.m.;

13 (4) The Director or Hearings Officer may suspend, for a period of time specified by the Director or
14 Hearings Officer, the animal Owner's or Keeper's right to own or keep any animal in
15 Multnomah County.

16 ~~(4) Any other condition(s) that would reasonably abate the infraction;~~

17 (5) Require the Owner or Keeper to have the Animal surgically sterilized within a time period
18 determined by the Director or Hearings Officer.

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

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

Multnomah County Animal Control Code

1 (E) At the discretion of the Director, any civil penalty(ies) not paid within 30 days from the date of
2 issuance of the notice of infraction may be assigned to a collections agency for collection.

3 ~~(F) Ten percent of the fines and penalties collected under this chapter shall be placed in a separate
4 fund for the purpose of providing training for animal control personnel.~~

5 [Ord. 156, VIII(1) (1977); Ord. 732 19 (1992); Ord. 773, 4 (1993)]

6 Section XXXXIII. AMENDMENT

7 MCC 8.10.910 is amended as follows:

8 (A) The operation of a facility without a license for which licensing is required under MCC 8.10.100
9 to 8.10.145 shall be a Class A infraction, and, in addition, the Director or Hearings Officer may order
10 removal of the all Animals housed in the facility or allow the facility operator to find suitable homes
11 for the Animals within 30 days which exceed the number allowed under this chapter and require them
12 to be removed from the county or to be impounded subject to MCC 8.10.040(D).

13 (B) The operation of a facility by a person holding a facility license under MCC 8.10.100 to MCC
14 8.10.145, in violation of any provision of the license this chapter applicable to that license or to the
15 care of the Animals housed in the facility, shall be a Class A infraction; and in addition the Director or
16 Hearings Officer may order removal of any or all Animals from the facility for impoundment subject
17 to MCC 8.10.040(D) or allow the facility operator to find suitable homes for the animals within 30
18 days.

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Multnomah County Animal Control Code

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Approved this 11th day of April, 1996 being the date of its second reading
before the Board of County Commissioners of Multnomah County, Oregon.



MULTNOMAH COUNTY, OREGON

by *Beverly Stein*
Beverly Stein
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant Counsel