

ANNOTATED MINUTES

Tuesday, October 7, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD BRIEFING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Gary Hansen and Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present.

B-1 Update on Proposed Animal Control Code Revisions. Presented by Larry Nicholas and Hank Miggins.

HANK MIGGINS, SAMUEL KONADU AND MATTHEW RYAN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING POSSIBLIE BAN ON EXOTIC ANIMALS AND NEED FOR UNIFORMITY OF COUNTY AND CITY ANIMAL CONTROL ORDINANCES. STAFF TO SCHEDULE JOINT CITY/COUNTY PUBLIC HEARINGS TO OBTAIN PUBLIC INPUT PRIOR TO SUBMITTING ORDINANCE REVISIONS.

There being no further business, the meeting was adjourned at 10:19 a.m.

Thursday, October 9, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Commissioners Sharron Kelley, Tanya Collier and Dan Saltzman present, and Vice-Chair Gary Hansen excused.

CONSENT CALENDAR

AS STAFF NOT HERE TO RESPOND TO A QUESTION OF COMMISSIONER SALTZMAN, BOARD CONSENSUS THAT C-13 BE PLACED ON THE REGULAR AGENDA THURSDAY, OCTOBER 16, 1997. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, CONSENT CALENDAR ITEMS C-1 THROUGH C-12 AND C-14 WERE UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 Appointments of Basil Panaretos, Sharon Cowley, Sarah Mahler, Esther Lewis, Gloria Fisher, Robert Correll, Joan Larsell, Paul Yeaton, Michael Mace, John Sweet, Ray Steed, Bob Heimbucher, Joan Lamiranda and Doug Cowley to the 1997 BOARD OF PROPERTY TAX APPEALS
- C-2 Re-appointments of Karen Hinsdale and Bill Failing to the LIBRARY ADVISORY BOARD
- C-3 Budget Modification NOND 4 Transferring \$50,000 from the Health Department for a Grant, and \$20,000 from General Fund Contingency for a Loan to Assist the Hacienda Community Development Corporation in Acquiring Property Known as Villa de Clara Vista per Board Order 97-160

DEPARTMENT OF HEALTH

- C-4 Intergovernmental Agreement 200768 with Portland State University for a Formative Evaluation of the County's New Family Advocate Program for Families at Risk of Abuse or Neglect

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-5 Budget Modification DES 3 Reclassifying a Plant Management Engineer to an HVAC Engineer within the Operations and Maintenance Section of the Facilities and Property Management Division

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-6 Intergovernmental Agreement 101888 with Oregon Survey Research Laboratory for Follow-up Interviews and Related Data Services for Target Cities Evaluation

- C-7 Intergovernmental Agreement 102518 with the Portland Public School District for Integrated Services Projects at Beach Elementary, Roosevelt High and Marshall High through June 30, 1998
- C-8 Intergovernmental Omnibus Revenue Agreement 102578 with the City of Portland Bureau of Housing and Community Development, Allocating Funds for Homeless, Public Safety, Youth Employment and Empowerment, and Housing Programs through June 30, 1998
- C-9 Intergovernmental Revenue Agreement 102598 with Gresham-Barlow School District No. 10 JT, Funding Mental Health Services for Children Served by the CAPCare/CAPCare Plus Mental Health Organization
- C-10 Intergovernmental Revenue Agreement 102668 with the State of Oregon Department of Human Resources for Anne E. Casey Foundation Grant Funds Supporting Innovative Efforts to Measure Government Initiatives through June 30, 1998

SHERIFF'S OFFICE

- C-11 Amendment 1 to Intergovernmental Agreement 800897 with the State of Oregon Department of Corrections for Housing of SB 1145 Offenders through September 30, 1997
- C-12 Budget Modification MCSO 2 Allocating \$5,000 in Oregon Department of Transportation Revenue and \$5,000 in Overtime to the Sheriff's Truck Inspections Unit Budget to Fund Traffic Enforcement in the Designated High Crash Corridor #5 on Interstate 205

DEPARTMENT OF SUPPORT SERVICES

- C-13 Intergovernmental Agreement 400142 with the City of Portland for Printing and Duplicating Services on a Requirements Basis through December 31, 1997

**TO BE CONSIDERED ON THE REGULAR AGENDA
THURSDAY, OCTOBER 16, 1997.**

- C-14 Intergovernmental Agreement 500568 with the Oregon State Police Oregon Emergency Management Division for Participation in the Federal Emergency Management Agency State and Local Assistance Program through September 30, 1998

REGULAR AGENDA

DISTRICT ATTORNEY'S OFFICE

R-2 RESOLUTION Honoring and Remembering Kelly G. Bacon

UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY, R-2 WAS UNANIMOUSLY RESET FOR THURSDAY, OCTOBER 16, 1997.

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

UC-1 Intergovernmental Revenue Agreement 200918 with the State of Oregon Department of Human Resources for Anne E. Casey Foundation Grant Funds for the African-American Infant Mortality Project

DENISE CHUCKOVICH EXPLANATION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, UC-1 WAS UNANIMOUSLY APPROVED.

PUBLIC COMMENT

R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

LEWIS MARCUS, JAMES FIELDS, LEE JENSEN, LESLIE SPIKES, JR., ROSIE MILLAGE AND VERTIL SPIKES COMMENTS IN OPPOSITION TO THE LOCATION OF A GROUP HOME FOR FIVE MENTALLY ILL/DRUG AFFECTED CITIZENS ON NORTH CHASE. BOARD RESPONSE TO CITIZEN CONCERNS, ENCOURAGING THEM TO ATTEND THE HOUSING AUTHORITY OF PORTLAND BOARD MEETING AND REQUEST THAT THEY SET UP A GOOD NEIGHBOR PLAN. BOARD CONSENSUS THAT COMMISSIONER COLLIER PREPARE A LETTER TO THE HOUSING AUTHORITY OF

PORTLAND ON BEHALF OF THE BOARD ENCOURAGING THEM TO ADDRESS NORTH CHASE NEIGHBORHOOD CITIZEN CONCERNS. ANDY TURUDIC, DEBORAH WALDING, JILLIAN KONONEN, DWAYNE KAPTUR AND CYNTHIA IKEDA COMMENTS IN OPPOSITION TO A PROPOSED EXOTIC ANIMAL BAN. CHAIR STEIN INVITED CITIZENS TO ATTEND THE PUBLIC HEARING SCHEDULED FOR 6:00 PM WEDNESDAY, OCTOBER 29, 1997.

NON-DEPARTMENTAL

R-3 RESOLUTION Approving Recommendations of the August, 1997 Law Enforcement Cost Recovery Audit

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-3. MEL HEDGEPEETH EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, AN AMENDMENT TO THE SECOND FURTHER RESOLVED STATING THAT THE SHERIFF CAN ENTER INTO INFORMAL MUTUAL AID AGREEMENTS; AND AN AMENDMENT TO THE THIRD FURTHER RESOLVED STATING THAT THE INTERGOVERNMENTAL AGREEMENTS SHOULD BE BASED ON THE FULL COST OF PROVIDING THE SERVICE WAS UNANIMOUSLY APPROVED. RESOLUTION 97-183 UNANIMOUSLY APPROVED, AS AMENDED.

DEPARTMENT OF SUPPORT SERVICES

R-5 Intergovernmental Agreement 500548 with the Oregon State Police Oregon Emergency Management Division for the Hazard Mitigation Grant Program, Dodson-Warrendale Acquisition

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-5. MIKE GILSDORF EXPLANATION AND RESPONSE TO COMMISSIONER KELLEY'S

COMMENTS IN SUPPORT. AGREEMENT UNANIMOUSLY APPROVED. AT THE REQUEST OF COMMISSIONER COLLIER, MR. GILSDORF UPDATED THE BOARD ON THE PROGRESS OF PHASE 3.

NON-DEPARTMENTAL

R-4 Second Reading and Adoption of an ORDINANCE Amending MCC 2.30.640 (A) to (F), Relating to Membership and Operation of the Citizen Involvement Committee, Repealing Existing Provisions and Creating New Provisions

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 886 UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 Intergovernmental Agreement 300278 with Parkrose School District Multnomah County School District No. 3 for Space at Parkrose High School for County Teen Health and Community Health Clinics

COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-6. DWAYNE PRATHER EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:50 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD CLERK

OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204-1914
TELEPHONE • (503) 248-3277
FAX • (503) 248-3013

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	•248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	•248-5219
TANYA COLLIER •	DISTRICT 3	•248-5217
SHARRON KELLEY •	DISTRICT 4	•248-5213

**MEETINGS OF THE MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**

AGENDA

FOR THE WEEK OF

OCTOBER 6, 1997 - OCTOBER 10, 1997

Tuesday, October 7, 1997 - 9:30 AM - Board Briefing Page 2

Thursday, October 9, 1997 - 9:30 AM - Regular Meeting Page 2

Tuesday and Thursday meetings this week will be cable-cast live and taped and can be seen by cable subscribers in Multnomah County on Channel 30 at the following times:

Tuesday, 9:30 AM live; playback Thursday, 5:00 PM; Sunday, 5:30 PM & Tuesday, 8:00 PM, CityNet 30 - Produced through Portland Cable Access

Thursday, 9:30 AM live; playback Friday, 10:00 PM & Sunday, 1:00 PM, Channel 30 - Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE BOARD CLERK AT (503) 248-3277, OR MULTNOMAH COUNTY TDD PHONE (503) 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, October 7, 1997 - 9:30 AM
Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

BOARD BRIEFING

- B-1 Update on Proposed Animal Control Code Revisions. Presented by Larry Nicholas and Hank Miggins. 1 HOUR REQUESTED.

PLEASE NOTE: Board meetings, including briefings, are open to the public. Public testimony is not taken at briefings. You are welcome to speak to any issue before the Board or on other issues you wish to bring before the Board at the regular Thursday meetings. The October 7, 1997 Board briefing will be cable-cast live by Portland Cable Access Television, CityNet 30, found on TCI (West Portland) and Paragon (East Portland) (**CHANNEL 30**); with replays at 5:00 pm on Thursday, October 9, 1997; 5:30 pm on Sunday, October 12, 1997; and 8:00 pm on Tuesday, October 14, 1997.

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Portland Building, Second Floor Auditorium
1120 SW Fifth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

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DISTRICT ATTORNEY'S OFFICE

- R-2 RESOLUTION Honoring and Remembering Kelly G. Bacon

NON-DEPARTMENTAL

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DEPARTMENT OF ENVIRONMENTAL SERVICES

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MEETING DATE: October 7, 1997
AGENDA NO: B-1
ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Briefing on the Animal Control Code Revisions

BOARD BRIEFING: DATE REQUESTED: Tuesday, October 7, 1997
REQUESTED BY: Chair Beverly Stein
AMOUNT OF TIME NEEDED: 1 hour

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Environmental Services DIVISION: Animal Control

CONTACT: Hank Miggins TELEPHONE #: 248-3790, ext. 234
BLDG/ROOM #: 324

PERSON(S) MAKING PRESENTATION: Larry Nicholas and Hank Miggins

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Briefing on the Animal Control Code Revisions

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Larry Nicholas

BOARD OF
COUNTY COMMISSIONERS
97 OCT - 1 PM 2:15
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



DEPARTMENT OF ENVIRONMENTAL SERVICES
ANIMAL CONTROL DIVISION
1700 W. Columbia River Highway
Troutdale, OR 97060-1093
(503) 248-3790 EXT 234 Fax: (503) 248-3002

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN -CHAIR OF THE BOARD
DAN SALTZMAN -DISTRICT 1 COMMISSIONER
GARY HANSEN -DISTRICT 2 COMMISSIONER
TANYA COLLIER -DISTRICT 3 COMMISSIONER
SHARRON KELLEY -DISTRICT 4 COMMISSIONER

MEMORANDUM

*******DRAFT*******

TO: Beverly Stein, Chair of the Board
Dan Saltzman, District 1 Commissioner
Gary Hansen, District 2 Commissioner
Tanya Collier, District 3 Commissioner
Sharron Kelly, District 4 Commissioner

THRU: Larry Nicholas, Director
Department of Environmental Services

FROM: Hank Miggins, Director
Multnomah County Animal Control Division

DATE: September 29, 1997

SUBJECT: Animal Control Code Revision

Commissioner,

The purpose of this document is to provide you with the current status of the progress made to revise the Multnomah County Animal Control Code (MCC8.10.005). As part of the revision, we are proposing some major changes including provisions for regulating exotic animals in this county. The content of this communication outlines the recommended changes and the process to be used to bring these revisions to the public.

A working draft of the revised Code has been provided to all jurisdictions within Multnomah County, for their review and comment. The Multnomah County Animal Control Advisory Committee has been provided copies and have had some discussions relating to the Code. Plans are in place to have discussions with each of the jurisdictions in the form of a work session, if they so desire. The results of these meetings will be addressed during a part of a later work session with you.

MAJOR PROPOSED CHANGES:

1. Exotic Animals was not part of the original code revision. In light of the expressed desire of Elected Officials, we have drafted a provision to prohibit

certain animals which are defined as exotic by the Oregon Department of Agriculture. That draft is a separate document which will be merged into the basic code.

2. Limited search warrant procedures have been developed to provide an administrative process whereby animals may be immediately impounded in instances where a person, in possession of an animal, refuses to voluntarily release the animal as requested by legal authority. This procedure requires the involvement of a peace officer and County Counsel.
3. The animal owner/keeper regulation is being revised to clarify the responsibilities of people having possession of animals. This area will be expanded to include exotic animals.
4. The sections dealing with failure to comply with the public animal nuisance provisions are being revised to provide a consistent enforcement pattern. These modifications will provide an administrative remedy for cases which have not yet been identified as a public nuisance. A revision of this provision will serve to focus the issue on the severity of the offense and a means to expedite the remedy.
5. The gamecocks, animal fights and fight training prohibition is reinstated.
6. Pending the outcome of the next election, the fee structure remains unchanged.
7. Some changes are made to the potentially dangerous dog section. There will no longer be a level 5; it is now classified as a dangerous animal.

There are a variety of other changes which have less impact than those cited above. Some are strictly language corrections and some reflect changes in law which have occurred since the code was last revised.

SUPPLEMENTAL STAFF REPORT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: DEPARTMENT OF ENVIROMENTAL SERVICES
DATE: OCTOBER 2, 1997
RE: ANIMAL CONTROL CODE REVISION

1. RECOMMENDATION/ACTION REQUESTED

AN ORDINANCE AMENDING MULTNOMAH COUNTY CODE CHAPTER 8.10.005 ET SEQ, WITH A PROPOSAL FOR SOME MAJOR CHANGES INCLUDING PROVISIONS FOR REGULATING EXOTIC ANIMALS IN THE COUNTY.

2. BACKGROUND / ANALYSIS

DEFINITIONS: EXOTIC ,WILD ,DANGEROUS ANIMALS BY OTHER MUNICIPALITIES, GOVERNMENT AGENCIES AND TOWNSHIPS IN THEIR CURRENT CODE OF ORDINANCES.

AS UNIQUE AS ALL THESE JURISDICTIONS ARE,THE DEFINITIONS RUN THE GAMBIT OF A SIMPLE AND BROAD CLASSIFICATION UNDER THE TERM DANGEROUS ANIMALS TO ENCOMPASS ALL ANIMALS OF A SPECIES CUSTOMARILY USED AS ORDINARY HOUSEHOLD PETS AND NON-HOUSEHOLD DOMESTICATED PETS THAT ARE CAPABLE OF KILLING OR SERIOUSLY INJURING A HUMAN BEING OR WOULD ORDINARILY BE CONFINED TO A ZOO OR ANIMAL PRESERVE.

THE MORE EXACT HAVE SPECIFIC INTERPRETATION OF NON-HOUSEHOLD PETS AS THOSE WHICH OTHERWISE COULD CAUSE A REASONABLE PERSON TO BE FEARFUL OF SIGNIFICANT DESTRUCTION OF PROPERTY OR BODILY HARM AND ARE CATEGORIZED AND STRATIFIED BY ANIMAL CLASSIFICATION. THESE CLASSIFICATIONS ARE STRUCTURED TO INCLUDE FACILITY REQUIREMENTS TO HOUSE THESE ANIMALS.

SEE ATTACHED EXHIBITS FOR SAMPLE ORINANCES WITH DEFINITIONS

- A) CODE OF CITY OF CHARLOTTE, NORTH CAROLINA.
- B) CODE OF ORDINANCES CITY OF HOUSTON, TEXAS.
- C) CODE OF ORDINANCES CITY OF MISSION VIEJO, CALIFORNIA.
- D) CODE OF ORDINANCES CITY OF THOR TON, COLORADO.
- E) CODE OF ORDINANCES CITY OF SPRINGFIELD, OREGON.

- F) CODE OF ORDINANCES CITY OF REDMOND, OREGON.
- G) CODE OF ORDINANCES CITY OF SPOKANE, WASHINGTON.

JURISDICTIONAL OVERSIGHT FOR THE OWNERSHIP AND ACQUISITION OF EXOTIC ANIMALS

FEDERAL:

U.S. DEPARTMENT OF AGRICULTURE THROUGH ITS SUB-AGENCY OF U.S. FISH AND WILDLIFE HAS THE REGULATORY AUTHORITY PURSUANT TO THE FEDERAL ANIMAL WELFARE ACT OF 1970(7 U.S.C.2133) , OVER THE ACQUISITION (IMPORTATION), BREEDING AND DOMESTIC SALE OF EXOTIC NON-NATIVE / INDIGENEOUS WILDLIFE. SUCH ANIMALS ARE REGULATED THROUGH THE ISSUANCE OF PERMITS.

STATE OF OREGON

REGULATORY OVERSIGHT IS ACCOMPLISHED THROUGH TWO STATE AGENCIES :

OREGON STATE FISH AND WILDLIFE:

PURSUANT TO ORS 635-056 (0000 - 0150) O.F&W IS RESPONSIBLE FOR PROTECTING NATIVE WILDLIFE SPECIES FROM ANY DETRIMENTAL IMPACTS OF NON-NATIVE WILDLIFE. O.F&W IS CHARGED WITH THE ENFORCEMENT OF APPLICABLE LAWS AND STATUTES, WHICH EXCLUDES HUMAN PROTECTION FROM NATIVE WILDLIFE.

OREGON STATE DEPARTMENT OF AGRICULTURE

PURSUANT TO ORS 609.305 - 335 THE DEPARTMENT IS CHARGED WITH REGULATING NON-NATIVE WILDLIFE THROUGH THE ISSUANCE AND RENEWAL OF PERMITS. ALL STATUTES AND LAWS GOVERNING PERMITS ARE CURRENTLY SUSPENDED PENDING A TOTAL REVIEW AND AMENDMENT PER DEPARTMENT OFFICIAL ANNOLA DeJONG.

LOCAL GOVERNMENTS:

ALL LOCAL GOVERNMENTS HAVE THE AUTHORITY UNDER THE PROVISIONS OF OREGON STATE REVISED STATUTES ORS 609.205 TO ENACT ORDINANCES PROHIBITING THE OWNERSHIP AND KEEPING OF WILD OR EXOTIC ANIMALS WITHIN THEIR JURISDICTION.

UNDER HOME RULE CHARTER AND INTERGOVERNMENTAL AGREEMENTS, MULTNOMAH COUNTY ESTABLISHED AND ENFORCES ANIMAL CONTROL ORDINANCES FOR ALL JURISDICTIONS WITHIN THE COUNTY

FINANCIAL IMPACT:

THE FINANCIAL IMPACT OF THE ENACTMENT OF THE PROPOSED REVISION TO THE MULTNOMAH COUNTY ANIMAL CONTROL CODE (MCC8.10.005) , IS COMPLEX AND DIFFICULT TO FULLY ASSESS . THE FINANCIAL IMPACT WILL NECESSARILY BE DETERMINED BASED UPON THE COUNTY COMMISSION'S DECISION RELATING TO EXOTIC ANIMALS.

FURTHERMORE , SINCE MULTNOMAH COUNTY ANIMAL CONTROL WOULD BE CHARGED WITH ENFORCING THE RESULTANT ORDINANCES. IT IS REASONABLE TO EXPECT A REQUIREMENT FOR ADDITIONAL RESOURCES AND SHELTER FACILITIES TO ADEQUATELY HANDLE SUCH ANIMALS.

LEGAL ISSUES:

AS A LAW ENFORCEMENT AGENCY, ANIMAL CONTROL PROTECTS ANIMAL OWNERS, NON-ANIMAL OWNERS AND THE ANIMALS FROM DESTROYING PUBLIC AND PRIVATE PROPERTIES IN OUR COMMUNITIES THROUGH THE PROMULGATED STATE LAWS AND LOCAL ORDINANCES. THERE ARE A MYRIAD OF POTENTIAL LEGAL ISSUES WHICH COULD EVOLVE AND REVOLVE AROUND A POSSIBLE PROHIBITION OF OWNERSHIP AND/OR A PERMITTING SYSTEM.

PROHIBITION:

IN THE EVENT OF A PROHIBITION WOULD IT BE ABSOLUTE AND ENCOMPASS PRIVATE INDIVIDUAL OWNERSHIP; OR A GRANDFATHERING OF OWNERSHIP PRIOR TO A DEADLINE DATE , LIMITING OWNERSHIP TO LEGAL POSSESSION PRE-DATING THE LISTING.

IF A TOTAL PROHIBITION IS THE PREFERRED APPROACH, THE COUNTY HAS NO LOGISTICAL MEANS OF INVENTORING THE NUMBERS OF THESE EXOTICS ALREADY IN PRIVATE HANDS AND THEIR WHEREABOUTS. THUS THERE WILL BE NO WAY TO VERIFY, ESTIMATE, AND EVALUATE THE EXTENT OF THE PUBLIC SAFETY DANGERS POSED BY THE OWNERSHIP OF THESE ANIMALS. THE COUNTY'S ABILITY TO MONITOR COMPLIANCE WITH THE ESTABLISHED ORDINANCES WOULD BE COMPROMISED BY THIS LACK OF RELIABLE INFORMATION.

WE COULD DEVELOP AND CONSTRUCT THIS NECESSARY INFORMATION FROM OUTSTANDING PERMITS (NEW AND RENEWED) ISSUED BY THE OREGON STATE DEPARTMENT OF AGRICULTURE , O.F&W AND OTHER GOVERNMENTAL AGENCIES HAVING RESPONSIBILITY FOR ISSUING PERMITS.

MOREOVER, WOULD THE ANTICIPATED PROHIBITION AUTOMATICALLY BE APPLICABLE TO THE INVENTORY HELD BY PURVEYORS (PESHOPS) OF VENOMOUS REPTILES FOR SALE. IF NOT EXEMPT, AND COMPLIANCE IS NOT ACHIEVED WITHIN THE GRACE PERIOD; IT BARES REITERATING MULTNOMAH ANIMAL CONTROL HAS NO BUDGET RESOURCES OR SHELTER FACILITIES TO CARE FOR SUCH IMPOUNDED INVENTORY.

PERMITS:

IF A PERMIT SYSTEM IS DEEMED TO BE THE MOST APPROPRIATE DIRECTION FOR THE ENFORCEMENT OF THE PROPOSED ORDINANCE; COUNTY COMMISSION OBVIOUSLY WILL FORMULATE THE STRUCTURE , RULES, FEES, REVOCATION, WARNING AND PENALTIES ETC ESSENTIAL TO ESTABLISH SUCH A SYSTEM. HOPEFULLY,THE DESIGN OF THE PERMIT SYSTEM COULD FACILITATE A SET OF PROTOCOL TO QUALIFY PERMITEES FOR OWNERSHIP AND CONTINGENT PROCEDURES FOR THE HANDLING OF THESE ANIMALS.

THE ADMINISTRATIVE PROCEDURES NEEDED TO ENSURE ENFORCEMENT WOULD BE DERIVED FROM THE SYSTEM TO GUIDE ANIMAL CONTROL IN THE DISCHARGE OF ITS CHARTER.

CONTROVERSIAL ISSUES:

A GREATER PART OF THE CONTROVERSIES SURROUNDING THESE ISSUES WOULD EMANATE FROM THE INTENSE EMOTIONS EXHIBITED BY PROPONENTS AND OPPONENTS OF A BAN, PROHIBITING THE OWNERSHIP OF EXOTIC WILD ANIMALS.

OPPONENTS PRIMARY ARGUMENTS WILL BE COUCHED IN THE PSYCHOLOGY OF A LIFESTYLE DEVELOPED AROUND THESE ANIMALS AS DOMESTICATED PETS,AND THEY WOULD MOST LIKELY FEEL THE DENIAL OF A CHANCE TO ACT AND BE RESPONSIBLE PET OWNERS.

PROPONENTS IN THE MAIN WOULD HAVE LEGITIMATE CONCERNS DERIVED FROM REAL PUBLIC SAFETY ISSUES CONNECTED WITH THE MAINTENANCE OF SUCH POTENTIALLY DANGEROUS ANIMALS IN A VERY COMPACTED URBAN SETTING . OTHER SAFETY ISSUES

WOULD BE EXACERBATED , WHEN FIREMEN ,RESCUE, ANIMAL CONTROL,APPRAISERS ETC HAVE THE NEED TO ACCESS PROPERTIES IN THE CONDUCT OF THEIR DUTIES.

BECAUSE THE TOTALITY OF COMPLEX ISSUES INVOLVED IN THE PROHIBITION OF EXOTIC ANIMAL OWNERSHIP ARE NOT EASILY IDENTIFIED; ORDINANCES FROM SEVERAL CITIES WITH SIMILAR APPROACHES HAVE BEEN INCLUDED IN THIS STAFF REPORT TO FUNCTION AS MODELS WHICH COULD BE ADAPTED TO ATTAIN A CONSTRUCTIVE OUTCOME.

LINK TO CURRENT COUNTY POLICIES:

THE ANIMAL CONTROL CODE REVISION IS AN ATTEMPT TO RETROFIT MCC8.10. 005 BY PROPOSING SOME MAJOR CHANGES INCLUDING PROVISIONS FOR REGULATING EXOTIC ANIMALS IN THE COUNTY. THE DRAFT PROVISION TO PROHIBIT THE OWNERSHIP OF EXOTIC ANIMALS WHICH WAS NOT PART OF THE ORIGINAL CODE REVISION, WILL BE MERGED INTO THE BASIC CODE. THERE ARE A VARIETY OF OTHER CHANGES WHICH HAVE LESS IMPACT THAN ONES CITED IN THE PROPOSED ORDINANCE CHANGES. SOME OF THESE ARE LANGUAGE CLEANUP AND INCORPORATION OF CHANGES IN LAW OVER THE PERIOD SINCE THE CODE WAS LAST REVISED.

OTHER GOVERNMENT PARTICIPATION:

SINCE MULTNOMAH COUNTY ANIMAL CONTROL IS THE UMBRELLA ENFORCEMENT AGENCY FOR SEVERAL JURISDICTIONS WITHIN THE COUNTY, THESE ENTITIES HAVE BEEN PROVIDED WITH THE WORKING DRAFT OF THE REVISED CODE FOR REVIEW AND COMMENTS. PLANS ARE IN PLACE TO HAVE DISCUSSIONS WITH EACH OF THE JURISDICTIONS IN THE FORM OF A WORK SESSION IF DESIRED. THE RESULTS OF THESE MEETINGS WILL BE ADDRESSED AND MADE A PART OF A LATER WORK SESSION WITH THE COUNTY CHAIR AND BOARD

INFORMATIONAL RESOURCE:

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DRAFT
GENERAL PROVISIONS

8.10.005. Title.

This chapter may be cited as the Animal Control Ordinance.

[Ord. 156 § 1(2) (1978)]

8.10.010. Definitions.

As used in this chapter, unless the context requires otherwise:

- (A) *Animal* means any non-human vertebrate.
- (B) *Animal at large* means any animal, [excluding licensed and sterilized cats,] that is not physically restrained on private property (including motorized vehicles) 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, 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) *Aggressively bites* means any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits behavior including, but not limited to any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, or multiple bites.
- (D) *Board* means the Multnomah County board of county commissioners.
- (E) *Chronic safety nuisance* is demonstrated by the issuance of two (2) or more notice of infractions or citations for:
 - (1) Violation of MCC 8.10.270 relating to the same dog, or
 - (2) Any dangerous animal that is not confined as required by law, or
 - (3) Any other violation of this chapter based on animal behavior that causes a substantial risk to public safety.
- (F) *Chronic noise nuisance* is demonstrated by the issuance of two (2) or more notice of infractions or citations for violation of MCC 8.10.190(B)(6) and the receipt of multiple complaints from more than one (1) household in close proximity to the animal's location.

- (G) *Dangerous animal* means any animal, including insects, which is of a wild or predatory nature, or which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. A dog that has engaged in the behaviors specified in MCC 8.10.271:
- (H) *Dangerous Animal Facility* means any site for the keeping of one or more dangerous animals.
- (I) *Dangerous Reptile* means any live member of the class reptilia which:
- (1) is venomous, including but not necessarily limited to all members of the following families: Helodermadai; Viperidai; Crotalidae; Altractaspidac; Hydrophildac; and Elapidae; or
 - (2) is a "rear fanged" snake of the family Columbridae that are known to be dangerous to humans, including, but not limited to, all members of the following families: Dispholidus typus, Thebtornis kirtlandii; and Rhabdophis spp.; or
 - (3) is a member of the order Crocodilia (crocodiles, alligators and caiman).
- (J) *Director* means the director of the department of environmental services of Multnomah County or the director's designee.
- ***
- Domestic Animal.* Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, and which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period.
- (K) *Euthanasia* means putting an animal to death in a humane manner.
- (L) *Facility* is a site excluding veterinary hospitals operated or used for:
- (1) The boarding, training or similar purposes of dogs, cats or other domestic animals commonly maintained as pets for varying periods of time.
 - (2) The purposes of breeding, buying, selling, or bartering of dogs, [and/or] cats, or other domestic animals commonly maintained as pets.
 - (3) Facility operated by an animal welfare/rescue organization.

- [(4) Breeding of dogs and/or cats for the preservation of the breed.]
- (M) *Hearing officer* means a person appointed by the chair to hear appeals decisions of the director concerning violations of this chapter, or license denial or revocation under MCC 8.10.100 through 8.10.145.
- (N) *Harboring of a dangerous reptile* means to allow a dangerous reptile to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.
- (O) *Immediate health hazard* exists if at any given location there are conditions that the director determines warrant immediate intervention; such conditions include, but are not limited to inadequate sanitation, untreated disease, or animals in numbers greater than the animal's owner or keeper can reasonably care for.

(*** Definition added and following sections to be re-lettered.)

- (P) *Keeper* means any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for the purpose of safe keeping.
- (Q) *Liability insurance* means public liability insurance in a single incident amount of not less than \$50,000.00 for bodily injury to or death of any person or persons or a cash bond or irrevocable letter of credit in the amount up to \$2,500.00. The owner or keeper shall be required to provide the director with certification of insurance within ten days of receiving notification of classification. Such policy shall provide that no cancellation of the policy will be made unless ten days' written notice is given to the director by certified mail.
- (R) *Livestock* means [animals, including but not limited to] fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine [and] or other [farm] domestic animals, excluding dogs, [and] cats, or other domestic animals commonly maintained as pets.
- (S) *Livestock Facility* means any site for the keeping of livestock.
- (T) *Minimum care* has the meaning as provided in ORS 167.310(8) (1995).

- (U) *Muzzle* means a device constructed of strong, soft material or a metal muzzle that complies with specifications to be adopted as administrative rules by the director. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- (V) *Owner* means any person or legal entity having a possessory property right in the animal or any person who has been a keeper of an animal for more than 90 days.
- (W) *Permit*, for the purpose of MCC 8.10.190, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relationship to an animal.
- (X) *Person* means any natural person, association, partnership, firm or corporation.
- (Y) *Pet license* means a license for any owned animal that is of licensable age.
- (Z) *Physical device or structure* means a tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.
- (AA) *Physical injury* means physical impairment or as evidenced by scrapes, cuts, punctures, bruises [or] physical pain or other evidence of physical impairment.
- (BB) *Potentially dangerous dog* means any dog that has been found to have engaged in any of the behaviors specified in MCC 8.10.270.
- (CC) *Public nuisance animal* is an animal that has been determined by the director to be a chronic noise nuisance, or a chronic safety nuisance, or an animal that is subjected to an immediate health hazard.
- (DD) *A secure enclosure* shall be:
 - (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in

compliance with the jurisdiction's building code. The enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure, and be equipped with a self closing and self latching gate; or

- (2) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure [on] of its own volition.
- (3) For a Dangerous Dog shall be as follows: an uncovered fence or structure at least seven feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it and with a gravel or concrete floor, sufficient in size to allow the dog to stand, sit and turn around in a natural position, and which allows for an adequate area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather. A "Dangerous Dog" sign prescribed by the Director must be posted at the entry to the property.
- (EE) *Serious physical injury* means any physical injury which creates a substantial risk of death or which causes significant disfigurement, [significant impairment of health or significant loss or impairment of the function of any body part or bodily organ] or the significant or protracted loss or impairment of health or of the function of any body part or organ.
- (FF) *Service animal* is an animal that is professionally trained to provide assistance and whose primary function is to provide such service. Service animals include, but are not limited to, guide dogs, police dogs and rescue dogs.
- (GG) *Sexually unproductive* means being incapable of reproduction and certified as such by a licensed veterinarian.
- (HH) *Vicious animal* means any dangerous animal, excluding dogs or cats, which bites any human being or other domestic animal or which demonstrates menacing behavior towards human beings or domestic animals. "Vicious animal" does not include an animal which bites, attacks or menaces a trespasser on the property of its

owner or keeper or harms or menaces anyone who has tormented or abused it.

[Ord. 156 § II(2) (1978); Ord. 379 §§ 1-3 (1983); Ord. 480 § 1 (1985); Ord. 517 § 2 (1986); Ord. 591 § 1 (1988); Ord. 732 §§ 1-3 (1992); Ord. 850, § 1 (1996)]

8.10.020. Policy.

The board of county commissioners recognizes that ORS chapter 609 constitutes state law for the regulation of dogs but may be superseded in home rule counties which provide for regulation by ordinance. The board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them, that animals require legal protection, that the property rights of owners or keepers and nonowners of animals should be protected and that the health, safety and welfare of the people residing in Multnomah County would best be served by adoption of such an ordinance.

[Ord. 156 § I(1) (1977); Ord. 732 § 3 (1992); Ord. 850, § 2 (1996)]

8.10.030. Administration and enforcement; powers and duties of director; interference prohibited.

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

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

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

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

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

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

[Ord. 156 § III(1) (1977); Ord. 379 § 4 (1983); Ord. 850, § 3 (1996)]

8.10.035. Notice of infraction.

(A) Whenever a county animal control officer or person designated by the director has reasonable grounds to believe that an animal or facility is in violation of this chapter, that officer or designee shall be authorized to issue the owner or keeper notice of civil infraction containing the following information:

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

[Ord. 732 § 4 (1992); Ord. 850, § 4 (1996)]

8.10.036. Service.

The notice of infraction shall be served on the owner or keeper of the animal or facility in violation of this chapter by personal service or by regular and certified mail with return receipt requested.

[Ord. 732 § 5 (1992); Ord. 850, § 5 (1996)]

8.10.037. Dismissal of pet license violations.

Notices of infraction issued for violations of the pet licensing requirement as set forth in 8.10.060 through 8.10.080 shall be dismissed by the director upon reasonable proof that the required pet license(s) have been obtained within ten days of service of the notice(s) of infraction.

[Ord. 732 § 6 (1992)]

8.10.038. Admission of infraction, conditions.

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

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

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

(D) If the person injured, damaged, or otherwise detrimentally impacted by the commission of the violation; acknowledges in writing any time before the final decision of the director, hearings officer, or a court of requisite jurisdiction, that the person has received satisfaction for the injury, damage or detrimental impact, the director, hearings officer or court may in their discretion, on payment of any cost or expense incurred, order the notice of infraction dismissed.

- (1) The director, hearings officer, or court when issuing an order to dismiss under this section, may impose additional conditions or requirements upon the party issued the violation, if in their determination the additional requirements are necessary to further protect the public health or safety.
- (2) Any condition or requirement imposed pursuant to MCC 8.10.038(D)(1) shall be complied with prior to the entry of the final order dismissing the notice of infraction(s).

(E) The order authorized by MCC 8.10.038(D) when made and entered by the director, hearings officer or court is a bar to another enforcement action for the same violation.

(F) Diversion.

[Ord. 732 § 7 (1992); Ord. 850, § 6 (1996)]

8.10.040. Shelter operation; impoundment, release and disposal.

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

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

(C) An animal shall be considered impounded from the time the director or the director's designee takes physical custody of the animal.

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

- (1) An animal bearing identification of ownership shall be held for 144 hours from time of impoundment. The director shall make reasonable effort within 24 hours of impoundment by phone to give notice of the impoundment to owner or keeper and, if unsuccessful, shall mail written notice within 48 hours of impoundment to the last known address of the owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.
- (2) A dog for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of the animal.

- (3) Animals held for periods prescribed under this section, or as otherwise required by ORS 433.340 or 433.390, and not redeemed by the owner or keeper, shall be subject to such means of disposal as the director considers most humane.
- (4) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in paragraph (1) of this subsection. A receipt shall be given the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and shall serve as the notice required by this section.
- (E) (1) Any impounded animal shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of impoundment, care, rabies, vaccination deposits, license fees, past due fines, and all fees and deposits related to potentially dangerous dog regulations with the addition of the following conditions:
 - (a) Any animal impounded by court, hearings officer's or director's order shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in subsection (E)(1) of this section, and upon receipt of a written order of release from the court of competent jurisdiction or the hearings officer or the director issuing the order.
 - (b) Any classified potentially dangerous dog shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in subsection (E)(1) of this section, and upon verification of satisfactory compliance with the regulations required in MCC 8.10.270 to 8.10.280. Failure to be in satisfactory compliance with the potentially dangerous dog regulations within ten days of impoundment shall result in the owner or keeper forfeiting all rights of ownership of the dog to the county.
- (2) An animal held for the prescribed period and not redeemed by its owner or keeper, and which is neither a dangerous animal nor in a dangerous condition of health, may be released for adoption subject to the provisions of MCC 8.10.045.
- (3) The director shall dispose of animals held for the prescribed period without redemption or adoption only by humane means, provided, however, that, irrespective of any prescribed holding period, the

director, upon advice of a licensed veterinarian, may dispose of any unhealthy or injured impounded animal by euthanasia.

- (4) Any device attached to any animal upon impoundment shall be retained, 30 days, by the director should the animal be disposed of as provided in paragraph (3) of this subsection. Otherwise, the device shall accompany the animal when redeemed or adopted.

[Ord. 156 § III(2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591 § 4 (1988); Ord. 732 § 3 (1992); Ord. 850, § 7 (1996)]

8.10.041. Impound Search Warrant Procedure.

(A) Whenever a person in possession of an animal, which is the subject of a violation of this chapter and a lawful order of impound issued by the Director or a Hearing Officer, pursuant to MCC 8.10.040(B) or 8.10.192(B), refuses to voluntarily release said animal to an Animal Control Officer upon timely and reasonable request, the director shall determine the need to procure the animal's immediate impoundment with the assistance of a peace officer, through the service of a limited search warrant at that person's last known address for the sole purpose of obtaining possession of the animal.

(B) The warrant authorized under this section shall only be sought by the Division after the Director has determined the animals immediate impoundment is necessary based on one or more of the following factors:

(1) Whether the public's health and safety is at risk by the subject animal remaining in the possession of the owner.

(2) Whether the health and welfare of the subject animal is at risk by the animal remaining in the possession of the owner or keeper.

(3) The subject animal is the focus of a chronic noise nuisance as defined at MCC 8.10.010.

(C) The Director shall request the assistance of a peace officer upon the decision to seek the search warrant. The Director shall coordinate with the Office of County Counsel to review the affidavit of the peace officer for compliance with all the provisions herein stated.

8.10.045. Release for adoption.

(A) An animal may be released for adoption or transferred to another adoption agency, approved by the director, subject to the following conditions:

- (1) The adoptive owner or keeper shall agree in writing to furnish proper care to the animal in accordance with this chapter;

- (2) Payment of required fees; however, animals transferred to another adoption agency are exempt from the requirement of paying adoption fees;
- (3) In the case of a fertile dog or cat, a surgical prepayment deposit in an amount not to exceed \$45.00 refundable upon furnishing evidence that the animal has been rendered sexually unproductive; and
- (4) A written agreement by the adoptive owner or keeper to render any adopted dog or cat sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs. Failure to perform the agreement shall be a forfeiture of the amount deposited under paragraph (3) of this section and the director may require return of the adopted dog or cat to the shelter. It is unlawful to fail to return an adopted animal as required by the director.

(B) The director may decline to release an animal for adoption under any of the following circumstances:

- (1) The prospective adoptive owner or keeper has a history of violations of the animal control ordinance or has been convicted of an animal-related crime;
- (2) The prospective adoptive owner or keeper has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as set out in MCC 8.10.190;
- (3) The existence of other circumstances which in the opinion of the director would endanger the welfare of the animal or the health, safety and welfare of the people residing in Multnomah County. In making a decision under this subsection, the director shall consider the guidelines adopted by the Multnomah County animal adoption panel.
- (4) The animal is a dangerous animal.

(C) For purposes of this section "adoption agency" shall mean any government, association, corporation or similar entity approved by the director and capable of caring for animals pending final adoption placement.

[Ord. 276 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8 (1996)]

8.10.050. Relationship to certain state statutes.

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

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

[Ord. 732 § 8 (1992); Ord. 850, § 9 (1996)]

8.10.054. Appeals, fee.

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

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

[Ord. 732 § 9 (1992); Ord. 850, § 10 (1996)]

8.10.055. Hearings, procedure.

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

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

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

(D) The hearings officer shall hold a public hearing on any timely appeal from a notice of infraction, director's decision or order, or the denial/revocation of a facility license. The party who brought the appeal or any other person having relevant evidence concerning the nature of the infraction or license

denial/revocation shall be allowed to present testimony and documentary evidence at the hearing. The hearings officer may consider mitigating or extenuating circumstances presented on behalf of a party.

(E) If the hearing is held to address a notice of infraction or director's decision issued under MCC 8.10.275 or 8.10.290, the hearings officer shall determine whether the infraction contained in the notice did occur. The hearings officer shall have the same authority as the director under MCC 8.10.275 when conducting potentially dangerous dog hearings.

(F) If the hearing is held to address a facility license condition, denial or revocation, the hearings officer shall determine whether the license conditions were rightfully imposed or the license was rightfully denied or revoked as provided under MCC 8.10.120.

(G) The hearing officer shall issue a written decision containing findings of fact addressing the allegations contained in the notice of infraction, the director's decision, or the license denial/revocation under MCC 8.10.100 through 8.10.145. The decision shall clearly state the hearings officer's conclusion and the reasoning based on the findings of fact. The decision shall be signed and dated by the hearings officer and shall be served by personal service or regular and certified mail to the last known address of the party who filed the appeal. The decision shall be final on the date of personal service or three (3) days after mailing.

(H) In all appeals under this chapter the hearings officer shall have discretion ordering conditions, restrictions and penalties.

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

[Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]

8.10.056. Stay of enforcement, exceptions.

(A) Enforcement of any notice of infraction or decision of the director shall be stayed during the pendency of an appeal, except:

- (1) Restrictions or conditions placed on animal owner or keeper by the director under MCC 8.10.265 through 8.10.280 or MCC 8.10.290; or
- (2) The impoundment of an animal as required under this chapter or because it was necessary for the protection of the animal under MCC 8.10.040.

(B) Notwithstanding paragraph (A) of this subsection, in any case wherein the subject animal has been impounded and is to be euthanized pursuant to a hearings officer's decision, a party seeking a writ of review under ORS 34.010 to 34.100 of that decision, may obtain a stay of the destruction of the animal pending the resolution of the writ of review proceeding only as provided in this paragraph. The party shall submit a written notice to the director within 15 days of the date of the hearing officer's decision of the party's intent to file a writ of review. The written notice shall be submitted with a deposit as required under MCC 8.10.057(B), if applicable.

(C) In any case subject to paragraph (B), the written notice to the director shall stay the destruction of the animal until a date not less than 15 days after final judgment by the court or the party's rights have expired under ORS 34.030.

[Ord. 732 § 11 (1992)]

8.10.057. Impoundment of animals pending appeals, fees.

(A) In any appeal wherein the subject animal has been impounded pending appeal of director's decision to the hearings officer, the owner or keeper of the animal shall be required to post a deposit with the director in the amount of \$100.00 at the time an appeal is requested to apply towards the expense of sheltering the animal during the appeal process.

(B) If an animal not previously impounded under this chapter is subsequently ordered to be impounded by a hearings officer and the owner or keeper appeals the hearing officer's decision by writ of review to the circuit court, the owner or keeper of the animal shall be required to post a deposit with the director in the amount of \$100.00 at the time the notice of intent to file the writ of review is submitted under MCC 8.10.056(B) to apply towards the expense of sheltering the animal during the pendency of the writ of review proceeding.

(C) In either situation described above in subsection (A) or (B), if the finding of a violation is upheld on appeal, the animal's owner or keeper shall be liable for the cost of the animal's impoundment and shall pay all fees incurred for sheltering and caring for the animal. If the animal control division's finding is reversed on appeal the deposit shall be refunded.

[Ord. 732 § 12 (1992); Ord. 850, § 12 (1996)]

PET LICENSING

8.10.060. Dogs and cats subject to pet licensing.

The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats not covered under a facility subject to licensure under MCC 8.10.100 to 8.10.140.

[Ord. 156 § IV(1) (1977); Ord. 480 § 2 (1985); Ord. 850, § 13 (1996)]

8.10.070. Pet licenses required; period of license.

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

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

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

(D) The person who licenses an animal becomes the owner or keeper of record and is responsible for the action or behavior of his or her animal.

[Ord. 156 § IV(2a) (1977); Ord. 480 § 3 (1985); Ord. 732 § 3 (1992); Ord. 850, § 14 (1996)]

8.10.075. Cat registration.

[Ord. 379 § 11 (1983); Ord. 384 § 1 (1983); Rpld. by Ord. 480 § 4 (1985)]

8.10.080. Pet licenses.

(A) Pet license tags shall be securely displayed upon animals at all times, except when the animal is confined to the owner's or keeper's premises or displayed in an exhibition. Pet owners or keepers shall be allowed to choose the means by which to display the pet license number (tag, collar, tattoo, microchip or another form of identification with the pet license number on it.) A pet license tag, with pet license number, shall be issued by the director. Any additional expenses is to be borne by the pet owner or keeper.

(B) A pet license is not transferable to another animal. The pet license number shall be assigned to the animal and shall remain with the animal upon transfer to another owner or keeper for the life of the animal.

(C) An animal displaying a current license from jurisdictions outside Multnomah County, but within the State of Oregon, shall not require licensing under this chapter until expiration of the current license.

(D) Animal control may inspect the premises with five or more animals to insure that owners or keepers are providing minimum care and facilities.

[Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 § 3 (1992); Ord. 850, § 15 (1996)]

8.10.085. Litter registration; reporting new owner or keeper information to director.

[Ord. 156, § IV (1977); Ord. 195, § 11 (1979); Ord. 480, § 5 (1985); Ord. 732, § 3 (1992); Rpld. by Ord. 850, § 16 (1996)]

8.10.090. Exceptions from licensing and waiver of fees.

(A) Fees shall be waived for licenses issued for any service animal upon presentment of an affidavit by the animal's owner or keeper. A service animal license shall be valid for the duration that the dog provides the service or upon retirement due to age or infirmity and so long as the dog remains the property of the person named in the affidavit.

(B) License fees for dogs and cats owned by persons aged 65 or older or permanently disabled or persons otherwise deemed by the director to be under financial hardship shall be reduced [by 50 percent for up to two animals] on a sliding fee schedule per household.

[Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3 (1992); Ord. 850, § 17 (1996)]

FACILITIES LICENSES

8.10.100. Application of facilities licensing, regulation and standards.

(A) A facility license or dangerous animal facility license shall be granted in accordance with procedures, standards and limitations provided in MCC 8.10.100 to 8.10.140, and no such facility may lawfully be operated except upon application and payment of prescribed fees for the license.

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

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

[Ord. 156 § V(1) (1977); Ord. 480 § 7 (1985); Ord. 850, § 18 (1996)]

8.10.110. Facility licensing procedure.

(A) Application for a facility license or dangerous animal facility license shall be made upon forms furnished by the director, shall include all information required therein and shall be accompanied by payment of the required fee.

(B) A facility license or dangerous animal facility license shall be valid for one year from the date of issuance, unless revoked.

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

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

(E) A license shall be conspicuously displayed on the facility premises and a holder of a license shall keep available for inspection by the director a record of the name, address and telephone number of the owner or keeper of each animal kept at the facility, the date each animal was received, the purpose therefor, the name and address of the person from whom the animal was purchased or received, a description of each animal including species, age, breed, sex and color and the animal's veterinarian, if known[, at the discretion of the director]. For small animals such as fish, gerbils, hamsters or similar kinds of animals acquired in lots, an individual record should not be required for each animal, but the holders shall keep an adequate invoice record of the lot acquisition.

[Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850, § 19 (1996)]

8.10.120. Denial and revocation of licenses.

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

- (1) Failure to comply substantially with any provision of this chapter.
- (2) Conviction of the owner or keeper or any person subject to the owner's or keeper's direction or control for the violation of any provision of this chapter or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals.

rule, order or regulation pertaining to any activity relating to animals.

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

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

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

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

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

[Ord. 156 § V(3) (1977); Ord. 732 §§ 3, 13 (1992); Ord. 850, § 20 (1996)]

8.10.130. Standards for licensing of facilities.

The director shall not issue a facility license or dangerous animal facility license until a site inspection demonstrates compliance with the standards applicable to the nature and species of any animal to be kept as set forth in this section:

- (A) Housing structures shall be sound and maintained in good repair to protect animals from injury, safely confine any animal housed therein and prevent entry of other animals.
- (B) Reliable and adequate electrical service and a potable water supply shall serve the facility.
- (C) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation.
- (D) Refrigeration shall be furnished for perishable foods.
- (E) Safe and sanitary disposal facilities shall be available to eliminate animal and food wastes, bedding, dead animals and debris and to minimize vermin infestation, odors and disease hazards.

- (F) Cleaning facilities shall be available to animal caretakers and handlers.
- (G) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for animals not acclimatized to lower temperatures.
- (H) Adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and minimize drafts, odors and moisture condensation. Mechanical ventilation must be available when ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.
- (I) Interior areas shall have adequate natural or artificial lighting provided, however, that primary enclosures for animals shall be protected from excessive illumination.
- (J) Interior building surfaces shall be so constructed and maintained to permit sanitizing and prevent moisture penetration.
- (K) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage back-flow.
- (L) Outdoor facilities shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment, if appropriate for the species.
- (M) The primary enclosure shall be of sufficient size to permit each animal housed therein to stand freely, sit, turn about and lie in a comfortable normal position as appropriate for the species. An exercise area or means to provide each animal with exercise shall be provided on the premises.
- (N) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, the devices shall be installed in a manner to prevent entanglement with devices of other animals or objects and shall be fitted to the animal by a harness or well-fitted collar, other than a choke type collar, and shall be of reasonable length.
- (O) Animals shall be fed as often as necessary a diet of nutritionally adequate and uncontaminated foods.
- (P) Potable water shall be continuously available, unless otherwise recommended by a veterinarian in a particular situation.

disinfectant and cleanser, by washing with a detergent followed with a safe, effective disinfectant or by cleaning with steam. Prior to the introduction of animals into empty enclosures previously occupied, the enclosures shall be sanitized. Animals shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect animals in other enclosures.

- (R) Excrement shall be removed from primary enclosures a minimum of every 24 hours, or more often if necessary as to prevent contamination, reduce disease hazards and minimize odors.
- (S) Animals housed together in primary enclosures shall be maintained in compatible groups with the following restrictions; except in residential dwelling and except as otherwise appropriate for the species:
 - (1) Females in season (estrus) shall not be placed with males except for breeding purposes;
 - (2) Animals exhibiting vicious behavior shall be housed separately;
 - (3) Animals six months or less of age shall not be housed with adult animals other than with their mothers, as appropriate for the species;
 - (4) Animals shall not be housed with other non-compatible species of animals; and
 - (5) Animals under quarantine or treatment for any communicable disease shall be separated from other animals.
- (T) Programs of disease control and prevention shall be established and maintained.
- (U) Each animal shall be seen at least once per 24-hour period by an animal caretaker.
- (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(7) and (B)(9).

[Ord. 156 § V(4) (1977); Ord. 850, § 21 (1996)]

8.10.140. Exotic, wild or dangerous animal facility license.

8.10.140. Exotic, wild or dangerous animal facility license.

Any facility for keeping of any dangerous animal, whether or not otherwise licensed under this chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the following requirements:

- (A) Animals must at all times be housed in a manner which assures that animals will not create a public nuisance by reason of noise or emission of offensive odors, present a danger to human life or property, endanger the health of the animals or create a safety or health hazard to human beings. The facility must meet the standards as described in the Oregon Administrative Rules chapter 603, division 11, sections 700 through 725 as published in 1994 and as is from time to time amended or as required by the director.
- (B) An applicant for a license must demonstrate satisfactory proof to respond in damages for bodily injury or death of any person or for damage to any property which may result from the keeping, owning or control of the animal. The director may require posting of an adequate bond or proof of liability insurance to remain in effect during any license period.
- (C) A license issued under this section shall be subject to revocation by the director under MCC 8.10.120.

[Ord. 156 § V(5) (1977); Ord. 850, § 22 (1996)]

8.10.145. Cat facility license.

[Ord. 384, § 6 (1983); Ord. 480, § 9 (1996); Rpld. by Ord. 850, § 23 (1996)]

PROHIBITIONS AND REGULATED CONDUCT

8.10.150. Confining animals to motor vehicles prohibited.

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

(B) No person shall carry an animal:

- (1) Upon the hood, fender, running board or other external part of any moving automobile or truck; or

- (2) Within the open bed of any moving pickup, flat-bed or similar vehicle, unless the dog is cross-tethered or protected by framework, carrier or other device sufficient to keep it from falling from the vehicle.

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

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

[Ord. 156 § VI(1) (1977); Ord. 850, § 24 (1996)]

8.10.155. Transfer or abandonment in public places prohibited.

(A) It is unlawful for any person to abandon or transfer to another by gift, sale, or exchange for any consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or other public property.

(B) This section does not prohibit transfer of animals under the following circumstances:

- (1) When the animal transferred is livestock, as defined in MCC 8.10.010, and one of the parties to the transfer is a person who engages in the business of buying or selling livestock for profit.
- (2) When the transfer takes place pursuant to a sale conducted by a public body or a public officer.
- (3) When one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization.
- (4) When the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition.

(C) "Animal welfare organization," as used in this section, means an organization which regularly engages in the practice of acquiring or transferring animals for the purposes of animal welfare, which includes protecting or caring

for animals, returning animals to their natural habitat, or placing animals for adoption.

[Ord. 379 § 13 (1983)]

8.10.160. Finders of lost animals; responsibility to report.

(A) Any person who finds and harbors an animal without knowing the animal owner's or keeper's identity shall notify the director and furnish a description of the animal within 5 days after the date of finding the animal.

(B) The finder may surrender the animal to the director or retain its possession, subject to surrender upon demand of the director.

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

(D) If the finder chooses to retain possession of the animal, the finder shall, within 15 days, cause to be published in a newspaper of general circulation in the county a notice of the finding once each week for two consecutive weeks. Each such notice shall state the description of the animal, the location where the animal was found, the name and address of the finder and the final date before which such animal may be claimed. If the finder does not wish to have his or her name and address appear in the notice, he or she may obtain a case number from Multnomah County animal control and have that number published in the newspaper along with the phone number for animal control for contact.

(E) If no person appears and claims ownership of the animal prior to the expiration of 90 days after the date of the notice to the director under subsection (A) of this section, the finder shall be declared the owner of the animal. Any person becoming owner of any animal under the provisions of this subsection shall assume the responsibilities of an owner under this chapter.

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

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

(H) Notwithstanding any other provision in this section, any person who prior to December 31, 1995 found and harbored any dog or cat and who notified

the director and furnished a description of the animal shall be the animal's owner if, prior to the expiration of three months after the director was notified, no person appeared and claimed ownership of the animal. Any person becoming owner of any animal under the provisions of this subsection shall assume the responsibilities of an owner under this chapter.

[Ord. 156 § VI(2) (1977); Ord. 379 § 8 (1983); Ord. 732 § 3 (1992); Ord. 850, § 25 (1996)]

8.10.170. Removal of animal wastes from public areas.

Any person in physical possession or control of any animal off the property of the animal's owner or keeper shall immediately remove excrement or other solid waste deposited by the animal in any public area or private property.

[Ord. 156 § VI(3) (1977); Ord. 850, § 26 (1996)]

8.10.180. Poisonous food.

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

[Ord. 156 § VI(4) (1977); Ord. 850, § 27 (1996)]

8.10.190. Animal owner or keeper regulation.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of his or her animal regardless of whether the owner or another member of the owners 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:

- (1) Permit an animal to be an animal at large.
- (2) Permit an animal to trespass upon property of another.
- (3) Keep a vicious animal.
- (4) Fail to comply with requirements of this chapter which apply to the keeping of an animal, or dangerous animal or any facility where such animals are kept.
- (5) Permit a dog in season (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes.

which may be heard beyond the boundary of the owner's or keeper's property.

- (7) Leave an animal unattended for more than 24 consecutive hours without minimum care.
- (8) Deprive an animal of proper facilities or care, including but not limited to the items prescribed in MCC 8.10.130. Proper shelter shall include a structure that does not leak, will provide protection from the weather and is maintained in a condition to protect the animals from injury.
- (9) Physically mistreat any animal either by abuse or neglect or failure to furnish minimum care.
- (10) Permit any animal to leave the confines of any officially prescribed quarantine area.
- (11) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(A) or (B).
- (12) Permit any dog to engage in any of the behaviors described in MCC 8.10.270(C) through 8.10.270(D).
- (13) Permit any dog to engage in the behavior described in MCC 8.10.271.
- (14) To keep or own a dangerous reptile. Provided, any person who is keeping or owning a dangerous reptile on the effective date of this Ordinance shall have 60 days from that date to provide for the animal's disposition outside of the County.

(C) For the purpose of this section "owner" shall mean either owner or keeper as defined under this chapter.

(D)

The following are exempt from compliance with MCC 8.10.190(B)(14):

- (1) Any facility accredited by the Association of Zoos and Aquariums (AZA);
- (2) Any licensed or accredited research or medical institutions;
- (3) Licensed or accredited educational institutions;

- (4) Veterinary clinics in possession of inherently dangerous reptiles for treatment or rehabilitation purposes;
- (5) Traveling circuses or carnivals;
- (6) Persons temporarily transporting inherently dangerous reptiles though the county provided that the transit time shall not be more than three (3) days;
- (7) Any facility licensed as an Exhibitor by the United States Department of Agriculture (USDA) under the Animal Welfare Act.

(E) Notwithstanding, MCC 8.10.190(B)(11),(12) and (13), any dog that has been found to have engaged in behaviors as described at MCC 8.10.270 or 8.10.271, 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 MCC 8.10.280(B) and 8.10.055(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 MCC 8.10.190(B)(11), (12) or (13) issue a Notice of Infraction citing this subsection and the specific subsection of MCC 8.10.270 or 8.10.271 directly applicable to the dog's alleged behavior.

(2) Any Notice of Infraction issued pursuant to 8.10.190(E)¹(~~2~~) 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 MCC 8.10.280(B) and 8.10.055(H) respectively.

[Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord. 850, § 28 (1996)]

8.10.191. Failure to comply; enforcement.

(A) The failure to comply with any conditions or restrictions lawfully imposed pursuant to a notice of infraction or director's decision not otherwise stayed under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine shall be an infraction under this section. A notice of infraction issued under this section for failure to comply shall be of the same classification as the original

infraction. The first notice of infraction issued under this section shall not be construed as a second offense under MCC 8.10.900(B).

(B) [Except as provided in MCC 8.10.191(C), all enforcement actions under this section shall be brought before a hearings officer.]

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

- (1) Be a substantial risk to public safety; or
- (2) Be a substantial risk to the care and treatment of the subject animal(s); or
- (3) Be a failure to pay past-due fines on three or more infractions within a 12-month period;

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

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

[Ord. 732 § 15 (1992); Ord. 773, § 2 (1993); Ord. 850, § 29 (1996)]

8.10.192. Order to abate public nuisance animal.

(A) Whenever a public nuisance animal, as determined by the director under this chapter is found on any premises within the jurisdiction of the county, a written order may be given to the owner or keeper of the animal(s), or to the owner, occupant, person in possession, person in charge, or person in control of the premises where the animal(s) is (are) located, or a written order may be posted at such premises when none of the above people can be found at the premises. Such order shall be signed by the director and shall give the person or persons to whom it is directed no less than 72 hours (three days) nor more than 120 hours (five days) to remove and abate the nuisance.

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

(C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as provided in subsection (A) and shall be construed [as interference with the director under MCC 8.10.030(D)] a Class A Infraction.

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

[(2)] Any animal impounded pursuant to the order to abate shall not be released until such time as the director, hearings officer, or court of competent jurisdiction orders such release.

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

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

[Ord. 850, § 30 (1996)]

8.10.200. Gamecocks, animal fights and fight training prohibited.

[Ord. 156, § VI(6) (1977); Rpld. by Ord. 850, § 31 (1996)]

8.10.210. Keeping livestock.

(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.

(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); Ord. 850, § 32 (1996)]

FEEES

8.10.220. Fee schedule.

Fees shall be imposed under this chapter as follows:

				One Year	Two Years Discount	Three Years Discount
(A)	Pet licenses:					
	(1)	Dogs:				
		(a)	Fertile	\$ 25.00	\$ 46.00	\$ 60.00
		(b)	Sexually unproductive	10.00	17.00	24.00
	(2)	Cats:				
		(a)	Fertile	15.00	25.00	36.00
		(b)	Sexually unproductive	8.00	14.00	19.00
	(3)	License replacement			3.00	
(B)	Facilities license:					

	(1)	Facility	142.00		
	(2)	Dangerous animal facility	200.00		
(C)	County shelter rates:				
	(1)	Impoundment fee, dogs:			\$25.00
	(2)	Impoundment fee, cats			15.00
	(3)	Animals other than livestock			15.00
	(4)	Daily care for any portion of a 24-hour period from time of impoundment:			
		(a)	Dogs		8.00
		(b)	Cats		5.00
		(c)	Livestock		8.00
		(d)	Other animals		5.00
	(5)	Veterinary fees			25.00
	(6)	Disposal fees:			
		(a)	Euthanasia and disposal		25.00
		(b)	Dead animal disposal		15.00
		(c)	Release of unwanted		15.00

			animals by owner or keeper			
		(d)	Release of two or more animals by owner or keeper			25.00
		(e)	Turn-in of out-of- county stray cat			5.00
		(f)	Turn-in of out-of- county stray dog			10.00
	(7)	Adoption fees:				
		(a)	Dogs:			
			(i) Fertile			65.00
			(ii) Sterile			25.00
		(b)	Cats:			
			(i) Fertile			45.00
			(ii) Sterile			20.00
(D)	Livetrapp rental:					
	(1)	Cat trap deposit fee (per trap)				35.00
	(2)	Cat trap weekly rental fee				5.00

	(3)	Dog trap deposit fee			200.00
	(4)	Dog trap weekly rental fee			10.00
(E)	Appeal hearing:				
	(1)	Fee			25.00
	(2)	Boarding deposit			100.00
(F)	Stray livestock fees:				
	(1)	Hourly fee (per person)			37.00
	(2)	Mileage fee (per mile per vehicle)			0.30
(G)	Potentially dangerous dog classification fees:				
	(1)	Level 1 (per year)			50.00
	(2)	Level 2 and Level 3 (per year)			100.00
	(3)	Level 4 (per year)			150.00
(H)	Declassification				
	(1)	Fee			40.00

[Ord. 156 § VII(1)–(3) (1977); Ord. 195 § 12 (1979); Ord. 262 § 1 (1981); Ord. 379 § 9 (1983); Ord. 384 § 4 (1983); Ord. 480 § 10 (1985); Ord. 683 § 1 (1991); Ord. 732 § 3 (1992); Ord. 823 § 2 (1995); Ord. 850, § 33 (1996)]

8.10.230. Stray livestock fee.

For the expenses incurred by the county in locating, transporting and otherwise attending any stray livestock, the owner or keeper or other person lawfully claiming the animal shall pay to the county a fee in the amount of \$37.00 per person hour plus an additional payment of \$0.30 for each mile traveled in locating and transporting the animal.

[Ord. 156 § VII(4) (1977); Ord. 262 § 2 (1981); Ord. 683 § 2 (1991); Ord. 732 § 3 (1992); Ord. 823 § 3 (1995); Ord. 850, § 34 (1996)]

MISCELLANEOUS

8.10.240. Conformance with other law.

Except as expressly provided in this chapter, this chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal laws, rules and regulations, and other ordinances which are now or may be in the future in effect which relate to the requirements provided in this chapter.

[Ord. 156 § IX(1) (1977)]

8.10.250. Severability.

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

[Ord. 156 § IX(2) (1977)]

8.10.260. Public education; low cost spay/neuter programs.

Effective January 1, 1996, \$25,000.00 from revenue generated by pet licensing shall be used for public education and low cost spay/neuter programs for the purpose of reducing the number of unwanted animals in Multnomah County.

[Ord. 379 § 14 (1983); Ord. 384 § 3 (1983); Ord. 850, § 35 (1996)]

CLASSIFICATION OF DOGS

8.10.265. Purpose.

The purpose of MCC 8.10.270 through 8.10.285 is to establish a procedure whereby dogs that pose a reasonably significant threat of causing serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury has occurred.

[Ord. 517 § 3 (1986)]

8.10.270. Classification of levels of dangerousness.

Classification of a dog as potentially dangerous shall be based upon specific behaviors exhibited by the dog. For purposes of MCC 8.10.265 through 8.10.285, behaviors establishing various levels of potentially dangerous dogs are as follows:

- (A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any person or domestic animal.
- (B) Level 2 behavior is established if a dog while at large, causes physical injury to any domestic animal.
- (C) Level 3 behavior is established if a dog, while confined in accordance with MCC 8.10.010(B), aggressively bites or causes any physical injury to any person.
- (D) Level 4 behavior is established if:
 - (1) A dog, while at large,
 - (a) Aggressively bites or causes physical injury to any person; or
 - (b) Kills a domestic animal; or
 - (2) A dog classified as a Level 3 potentially dangerous dog that repeats the behavior in subsection (C) of this section after the owner or keeper receives notice of the Level 3 classification.
- (E) Notwithstanding subsections (A) through (D) of this section, the director shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in subsections (A) through (E) of this section, if the director determines that the behavior was the result of the

victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

[Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36 (1996)]

8.10.271. Classification of dog as dangerous animal.

(A) Classification of a dog as a dangerous animal shall be based upon the dog engaging in any of the following behaviors:

- (1) A dog, whether or not confined, causes the serious physical injury or death of any person; or
- (2) A dog is used as a weapon in the commission of a crime[; or].
- [(3) A dog classified as a Level 4 potentially dangerous dog that repeats the behavior described in MCC 8.10.270(C) or (D) of this section after the owner or keeper receives notice of the Level 4 classification.]

(B) Notwithstanding subsection (A) of this section, the director or hearings officer shall have discretionary authority to refrain from classifying a dog as a dangerous animal, even if the dog has engaged in the behaviors specified in subsection (A) of this section, if the director or hearings officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to human life or property.

(C) If a dog is classified under this section as a dangerous animal, the director shall have discretion to order the dog not be euthanized provided the dog is placed in a certified dangerous animal facility as defined under this chapter.

(D) The director in making a determination under MCC 8.10.271(C) [may] shall consider any relevant evidence that addresses one or more of the following factors:

- (1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a dangerous dog facility; or
- (2) Whether the dog has been through a certified obedience or other training program; or
- (3) Whether the dog is a good candidate for obedience training based upon the testimony of a certified animal trainer or behaviorist; or

- (4) The reasonable likelihood of no repeated behavior by the animal in violation of this chapter.

[Ord. 850, § 37 (1996)]

8.10.275. Potentially dangerous dogs; appeals; restrictions pending appeal.

(A) The director shall have authority to determine whether any dog has engaged in the behaviors specified in MCC 8.10.270 or 8.10.271. This determination may be based upon an investigation that includes observation of and testimony about the dog's behavior, including the dog's upbringing and the owner's or keeper's control of the dog, and other relevant evidence as determined by the director. These observations and testimony can be provided by Multnomah County animal control officers or by other witnesses who personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

(B) The director shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.

(C) The director shall give the dog's owner or keeper written notice by certified mail or personal service of the dog's specified behavior, of the dog's classification as a potentially dangerous dog or dangerous animal, of the fine imposed, and of the restrictions applicable to that dog by reason of its classification. If the owner or keeper denies that the behavior in question occurred, the owner or keeper may appeal the director's decision to the hearings officer by filing a written request for a hearing with the director as provided under MCC 8.10.054.

(D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog or dangerous animal pursuant to subsection (C) of this section, the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the director shall have authority to impound the dog pending completion of all appeals.

(E) If the director's decision or the hearings officer's decision finds that a dog has engaged in dangerous animal behavior, the dog shall be impounded pending the completion of a dangerous animal facility application or any appeals.

(F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior as defined under this code shall be impounded pursuant to MCC 8.10.192 if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the Director or the Hearing Officer.

[Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§ 3, 16 (1992); Ord. 850, § 38 (1996)]

8.10.280. Regulation of potentially dangerous dogs.

In addition to the other requirements of MCC chapter 8.10, the owner or keeper of a potentially dangerous dog shall comply with the following conditions:

- (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC 8.10.010(B) by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk, or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's property, whenever that dog is outside the owner's or keeper's home and not on a leash.
- (B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's property. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. In addition, the owner or keeper may be required to complete a responsible pet ownership program as prescribed by the director or a hearings officer.
- (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's property, and the owner or keeper shall post warning signs, which are provided by the director, on the property where the dog is kept, in conformance with rules to be adopted by the director. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. The owner or keeper shall not permit the dog to be off the owner's or keeper's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the director may require the owner or keeper to satisfactorily complete a pet ownership program.
- (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall be euthanized or placed in a dangerous animal facility as determined by the director or hearings officer. A dog classified as a dangerous animal shall be confined within a secure enclosure with a double security gate and shall meet the requirements in subsection (C) above. In addition, the director or hearings officer may suspend, for a period of time specified by the director or hearings officer, that dog owner's or keeper's right to be

the owner or keeper of any dog in Multnomah County, including dogs currently owned by that person.

- (E) All dogs classified as dangerous animals, and determined by the director or hearings officer to be euthanized shall be euthanized at any time not less than 20 days after the date of classification. Notification to the director of any appeal to the hearings officer as provided for in MCC 8.10.054(A) or to any court of competent jurisdiction shall delay destruction of the dog until a date not less than 15 days after a final decision by the hearings officer or final judgment by the court.
- (F) To insure correct identification, all dogs that have been classified as potentially dangerous or dangerous animals shall be marked with a permanent identifying mark, micro-chipped, photographed, or fitted with a special tag or collar determined by the director at the owner's expense. The director shall adopt rules specifying the type of required identification.
- (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(1) and (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1; and \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs classified at Level 4. This additional fee shall be imposed at the time of classification of the potentially dangerous dog, and shall be payable within 30 days of notification by the director. Annual payment of this additional fee shall be payable within 30 days of notification by the director.
- (H) The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the warning sign to be removed from the secure enclosure, and shall not permit the special tag or collar to be removed from the classified dog. The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the dog to be moved to a new address or change owners or keepers without providing the director with ten days' prior written notification.
- (I) Declassification of potentially dangerous dogs or dogs classified as dangerous animals. Any owner or keeper of a classified potentially dangerous dog or a dog classified as a dangerous animal may apply to the director, in writing, to have the restrictions reduced or removed.
 - (1) The following conditions must be met:
 - (a) Level 1 or Level 2 dogs have been classified for one year without further incident, or two years for Level 3

or Level 4 dogs, four years for dogs classified as dangerous animals; and

- (b) The owner or keeper provides the director with written certification of satisfactory completion of obedience training for the dog classified, with the owner or keeper; and
 - (c) There have been no violations of the specified regulations; and
 - (d) In addition, the director may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered.
 - (e) Any reclassification request submitted under this subsection must include \$40.00 review fee.
 - (f) Any other condition ordered by the director or hearings officer at the time of classification.
- (2) When the owner or keeper of a potentially dangerous dog meets all of the conditions in this subsection, the restrictions for Level 1 and Level 2 classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs classified as dangerous animals may be removed, with the exception of the secure enclosure.

[Ord. 517 § 3 (1986); Ord. 591 § 4 (1988); Ord. 732 §§ 3, 17 (1992); Ord. 773, § 3 (1993); Ord. 823 § 4 (1995); Ord. 850, § 39 (1996)]

8.10.285. Reporting of potentially dangerous dogs.

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

[Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

8.10.290. Restrictions in cases other than potentially dangerous dogs; directors' authority; notice.

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

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

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

[Ord. 732 § 18 (1992); Ord. 850, § 41 (1996)]

PENALTIES

8.10.900. Penalties, generally.

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

- (1) Class A infractions. Violations of the following sections or subsections shall be Class A infractions:
 - (a) MCC 8.10.030;
 - (b) MCC 8.10.150;
 - (c) MCC 8.10.180;
 - (d) MCC 8.10.190(B)(3);
 - (e) MCC 8.10.190(B)(8);
 - (f) MCC 8.10.190(B)(9);
 - (g) MCC 8.10.190(B)(10);
 - (h) MCC 8.10.190(B)(12);
 - (i) MCC 8.10.190(B)(13);
 - (j) MCC 8.10.192;

- (k) MCC 8.10.200.
- (2) Class B infractions: Violations of the following sections or subsections of this chapter shall be Class B infractions:
 - (a) 8.10.045(A)(4);
 - (b) 8.10.155;
 - (c) 8.10.190(B)(4);
 - (d) 8.10.190(B)(5);
 - (e) 8.10.190(B)(6);
 - (f) 8.10.190(B)(7);
 - (g) 8.10.190(B)(11).
- (3) Class C infractions. Infractions of the following sections or subsections of this chapter shall be Class C infractions:
 - (a) 8.10.070;
 - (b) 8.10.170;
 - (c) 8.10.190(B)(1);
 - (d) 8.10.190(B)(2);
 - (e) 8.10.210.
- (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation of this chapter not listed in this subsection shall be a Class A infraction.

(B) Fines:

- (1) Class A infraction. A fine for Class A infraction shall be no less than \$100.00 nor more than \$500.00 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 \$200.00, nor more than \$500.00. 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 \$500.00.

- (2) Class B infraction. A fine for Class B infraction shall be no less than \$50.00 nor more than \$250.00 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 \$100.00 nor more than \$250.00. 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 \$250.00.
- (3) Class C infractions: A fine for a Class C infraction shall be no less than \$30.00 nor greater than \$150.00 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 \$50.00 nor more than \$150.00. 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, the fine shall be \$150.00.

(C) Additional conditions and restrictions. In addition to the monetary civil penalties imposed for infractions of this chapter, and the regulations applicable under MCC 8.10.280, 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:

- (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 and/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 unreasonable causes annoyance, as described in 8.10.190(B)(6), to keep the animal inside the owner or keeper's residence during hours specified by the director or hearings officer;
- (4) The director or hearings officer may suspend, for a period of time specified by the director or hearings officer, the animal owner's or keeper's right to own or keep any animal in Multnomah County.
- (5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer.

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

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

(E) 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.

[Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 773, § 4 (1993); Ord. 823 § 5 (1995); Ord. 850, § 42 (1996)]

8.10.910. Facilities: operation without license or in violation of license standards.

(A) The operation of a facility without a license for which licensing is required under MCC 8.10.100 to 8.10.145 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 MCC 8.10.040(D).

(B) The operation of a facility by a person holding a facility license under MCC 8.10.100 to MCC 8.10.145, 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 MCC 8.10.040(D) or allow the facility operator to find suitable homes for the animals within 30 days.

[Ord. 156 § VIII(2) (1977); Ord. 732 § 20 (1992); Ord. 850, § 43 (1996)]

8.10.920. Poisonous food penalty.

[Ord 156 § VIII(3) (1977); Rpld. by Ord. 732 § 21 (1992)]

8.10.930. Animal owner regulation; violations.

[Ord 156 § VIII(4) (1977); Rpld. by Ord. 732 § 21 (1992)]

8.10.940. Penalty for keeping gamecocks, animal fights and fight training.

[Ord 156 § VIII(5) (1977); Rpld. by Ord. 732 § 21 (1992)]

8.10.950. Penalty for violation of potentially dangerous dog requirements.

[Ord 591 § 6 (1988); Rpld. by Ord. 732 § 21 (1992)]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance amending Multnomah County Code Chapter 8.10.005 et seq.

(Language is to be deleted; underlined language is new)

Multnomah County ordains as follows:

SECTION I. Findings

SECTION II. Amendment

MCC 5.50.010 is amended and added to as follows:

Add new "Exotic Animal" definition:

Exotic Animals means:

1. Any lion, tiger, leopard, cheetah, ocelot or hybrid thereof or any other cat except

the species Felis catus (domestic cat).

2. Any monkey ape gorilla, hybrid thereof or other non-human primate.

3. Any wolf, hybrid thereof or canine except the species Canis Familiaris (domestic

dog).

4. Any bear.

5. Any poisonous reptile.

6. Any alligator, crocodile, ~~cat~~man or hybrid thereof.

1 7. Any other native Oregon or non-native wildlife as defined at ORS 496.004(17)
2 (1995), which because of its size, vicious nature or other characteristics presents an
3 unreasonable public safety hazard, including but not limited to large mammals such as
4 elephant, elk, moose, hippopotamus, rhinoceros.

5 Note: Existing MCC .10.010(G) and (H) define "Dangerous Animal"
6 and "Dangerous Animal Facility". The "DA" definition includes a
7 dog that has caused serious physical injury or death.

8 OPTIONS:

- 9 1) Keep definitions in place to regulate exempt owners
10 through the "grandfather" period, or
11 2) Amend to just be the "Dangerous Dog" definition and
12 Dangerous Dog Facility" definition Substitute MCC 8.10.010(E)(2)
13 a reference to "dangerous dog" and delete "dangerous animal" not
14 confined in facility.
15 3) Delete existing "Vicious Animal" definition at MCC 8.10.010(FF).

16 MCC 8.10.190 is amended as follows:

17 **8.10.190. Animal owner or keeper regulation.**

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

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

- 23 (1) Permit an animal to be an animal at large.
24 (2) Permit an animal to trespass upon property of another.
25 (3) Keep a vicious animal.
26 (4) Fail to comply with requirements of this chapter which apply to the
keeping of an animal, or dangerous animal or any facility where such
animals are kept.

- 1 (5) Permit a dog in season (estrus) to be accessible to a male dog not in the
2 person's ownership except for intentional breeding purposes.
- 3 (6) Permit any animal unreasonably to cause annoyance, alarm or noise
4 disturbance at any time of the day or night, by repeated barking, whining,
5 screeching, howling, braying or other like sounds which may be heard
6 beyond the boundary of the owner's or keeper's property.
- 7 (7) Leave an animal unattended for more than 24 consecutive hours without
8 minimum care.
- 9 (8) Deprive an animal of proper facilities or care, including but not limited to
10 the items prescribed in MCC 8.10.130. Proper shelter shall include a
11 structure that does not leak, will provide protection from the weather and
12 is maintained in a condition to protect the animals from injury.
- 13 (9) Physically mistreat any animal either by abuse or neglect or failure to
14 furnish minimum care.
- 15 (10) Permit any animal to leave the confines of any officially prescribed
16 quarantine area.
- 17 (11) Permit any dog to engage in any of the behaviors described in MCC
18 8.10.270(A) or (B).
- 19 (12) Permit any dog to engage in any of the behaviors described in MCC
20 8.10.270(C) through 8.10.270(D).
- 21 (13) Permit any dog to engage in the behavior described in MCC 8.10.271.
- 22 (14) To keep or own an Exotic Animal as defined at MCC 8.10.010.
23 Provided any person who owns or keeps such an animal prior to and on
24 January 1.

1 1998 shall have 60 days from that date to provide for the animal's
2 disposition outside of the County.

3 (D) The following are exempt from compliance with MCC 8.10.190(B)(14):

4 (1) Any facility accredited by the Association of Zoos and Parks and
5 Aquariums (AZPA):

6 (2) Any licensed or accredited research or medical institutions;

7 (3) License or accredited educational institutions;

8 (4) Veterinary clinics in possession of Exotic Animals for treatment or
9 rehabilitation purposes;

10 (5) Traveling circuses or carnivals;

11 (6) Persons temporarily transporting Exotic Animals through the County
12 provided that the transit time shall not be more than three (3) days;

13 (7) Any facility licensed as an Exhibitor by the United States Department of
14 Agriculture (USDA) under the Animal Welfare Act.

15 (E) Any person in possession of an Exotic Animal prior to and upon January
16 1, 1998 shall be eligible to request an Exemption Permit from Compliance with MCC
17 8.10.190(B)(14) by submitting a written petition to the Director. The petition must
18 address each of the following elements:

19 1) What if any financial hardship will be caused by the removal of the animal;

20 2) Description of the animal including species, age, size, weight, coloring.

21 3) Proof of Liability Insurance, minimum \$50,000, or, bond for \$5,000

22 covering the animal.

23 *(Add exemption for licensed service*
24 *animal)*

1 4) History of Compliance with all Exotic and Dangerous Animal Facility
2 regulations under any applicable Federal or State law and this Chapter.

3 5) Whether the animal is used as a service animal to assist disabled
4 persons. (*Delete #5 if made an exemption, please*)

5 (F) The Director shall evaluate whether any petition submitted under
6 subsection (E) herein merits the Exotic Animal be allowed to be maintained at the
7 Facility for the duration of the animal's life. Said determination shall be based on
8 comparison of the risk to public health and safety by the specified animal remaining in
9 the Facility and petitioner's response to the five factors addressed in the petition.

10 (G) Any Exemption Permit issued under this section shall only be available to
11 the original Permittee, and shall be non-assignable and nontransferable. An exemption
12 Permit shall be subject to annual renewal and routine periodic inspection of the Facility.

13 The Exemption Permit shall:

14 1) Terminate upon death of the animal.

15 2) Terminate upon the death of the Petitioner.

16 3) Shall be subject to revocation and the animal shall be subject to
17 immediate impoundment upon any notice of infraction being issued to the
18 Permittee.

19 4) Provided that upon termination of the permit for any reason, and if the
20 animal has not been otherwise disposed of at such time, that the Permittee, or
21 his or her heirs or successors in interest shall either:

22 a) Immediately release the animal to impound by the Animal Control
23 Division, or

EXOTIC ANIMAL PERMITS

LAST NAME	FIRST NAME	ADDRESS	CITY	STATE/ZIP	PHONE NO.	PERMIT NO.	EXPIRES	TYPE OF ANIMAL
Bunce	Mary	270 SW Boones Ferry Rd.	Portland	OR 97219	244-4297	078-96	10/24/98	Wolves (3)
McClain	Steven	17312 NE Irving	Portland	OR 97230	255-9365	026-97	4/26/98	Wolf Hybrid (1)
Anderson	Greg	3103 Huber St	Portland	OR 97219	452-9192	021-97	3/19/99	Siberian Tiger (1)
Becken	Virginia/David	8243 SE Franklin	Portland	OR 97266	774-7172	032-97	4/28/99	Servals (2) Caracals (2)
Charlton	Darla	9344 N Hodge	Portland	OR 97203	289-7749	046-97	8/21/99	Lynx (1)
Hutchins	Dan	5740 SW 56 th	Portland	OR 97221	246-7144	051-95	1/12/98	Bobcat (1)
Hutchins	David	6526 SE 39 th Ave	Portland	OR 97202	771-7218	071-96	9/19/98	Lynx (1)
Knierniem	Pete/Lisa	29805 E Woodward Rd	Troutdale	OR 97060	695-2733	080-96	10/30/98	Bobcat-Lynx (1) Cougar (2)
Noll	David	7785 SW 4 th Ave	Portland	OR 97219	244-0066	088-96	12/11/98	Bobcat (1)
Winebarger	Edward	SE Pounder Rd	Corbett	OR 97019	695-5640	070-96	9/19/98	Bobcat-Lynx (2)
Kuehl	Judith	13611 SE Lincoln Ct.	Portland	OR 97233	255-7474	007-97	2/12/99	Pigtail Macaque Primate (1)
Jamsend	Erin	43000 SE Troutcreek Rd	Corbett	OR 97019				Bobcat-Lynx (1)