

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 909

An ordinance amending the Multnomah County Animal Control Code Chapter 8.10 to provide for certain new definitions, and regulations relating to Exotic Animals, Potentially Dangerous Dogs, Dangerous Dogs, Limited Search Warrants and State Court Enforcement.

(Language lined-through is to be deleted; underlined language is new) Multnomah County ordains as follows:

Section I. AMENDMENT

MCC 8.10.010 is amended and added to as follows:

(A) *Animal* means any non-human vertebrate.

(B) *Animal at large* means any animal, excluding domestic cats ~~licensed and sterilized cats,~~ that is not physically restrained on the owner's or keeper's premises, (private property) ~~(including motorized vehicles)~~ in a manner that physically prevents the animal from leaving ~~that property~~ the premises 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~~ one or more of the following behavior(s), but not limited to ~~any of the following:~~ snarling, baring

Multnomah County Animal Control Code

teeth, chasing, growling, barking, snapping, pouncing, lunging, 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)(5)(6) and the receipt of multiple complaints from more than one (1) or more households, within a one (1) year period, in close proximity to the animal's location.

(1) Excluding all lawful commercial operation operated under appropriate zoning.

(G) *Dangerous or Exotic Animal means* any animal, including insects, which is of a wild or predatory nature, and 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.~~ A dangerous or exotic animal under this chapter shall include any of the following animals:

(1) Any large felid from the genus Panthera, including: lion, P. leo; tiger, P. tigris; jaguar, P. onca; leopard, P. pardus; and snow leopard, Uncia

Multnomah County Animal Control Code

- 1 uncia; as well as the puma (cougar or mountain lion), Puma concolor;
2 clouded leopard, Neofelis nebulosa; and cheetah, Acinonyx jubatus.
- 3 (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate;
4 (3) Any wolf or canine except the species Canis Familiaris (domestic dog);
5 (4) Any bear;
6 (5) Any venomous or poisonous reptile;
7 (6) Any reptile of the order Crocodilia (crocodiles, alligators and caimans),
8 or any snake of the family Pythonidae or Boinae capable of obtaining
9 eight (8) feet or more in length.
- 10 (H) Dangerous Dog means any dog found to have engaged in any of the
11 behaviors specified in MCC 8.10.271.
- 12 (I)(H) Dangerous Dog Facility means any site for the keeping of one or more
13 dangerous animals dogs.
- 14 (J)(I) Director means the director of the department of environmental services
15 animal control division of Multnomah County or the director's designee.
- 16 (K) Domestic Animal. Any animal whose physiology has been determined or
17 manipulated through selective breeding and does not occur naturally in the
18 wild, or which may be vaccinated against rabies with an approved rabies
19 vaccine and for which there is an established rabies quarantine observation
20 period. Examples of domestic animals include dogs, cats and livestock.
- 21 (L) ~~(J)~~ Euthanasia means putting an animal to death in a humane manner.
- 22 (M)(K) Facility is a site excluding veterinary hospitals operated or used for:

Multnomah County Animal Control Code

1 (1) Boarding, training or similar purposes of dogs, cats, or other animals
2 commonly maintained as pets for varying periods of time.

3 (2) For The purpose of breeding, buying, selling, or bartering of dogs and/or cats,
4 or other animals commonly maintained as pets.

5 ~~(3) (4) Facility operated by animal welfare/rescue organization. Breeding of~~
6 ~~dogs and/or cats for the preservation of the breed.~~

7 (N) Harboring of a Dangerous or Exotic Animal means to knowingly allow the animal
8 to remain, lodge, be fed, or to be given shelter or refuge within the person's
9 home, store, yard, enclosure, vehicle or building, place of business, or any
10 other premises in which the person resides or over which the person has
11 control.

12 (O) ~~(L)~~ *Hearing officer* means a person appointed by the chair to hear appeals
13 decisions of the director concerning violations of this chapter, ~~or license~~
14 ~~denial or revocation under MCC 8.10.100 through 8.10.145~~ chapter.

15 (P) ~~(M)~~ *Immediate health hazard* exists if at any given location there are conditions
16 related to animal care that the director determines warrant immediate
17 intervention; such conditions include, but are not limited to inadequate
18 sanitation, untreated disease, or animals in numbers greater than the animal's
19 owner or keeper can reasonably care for.

20 (Q) ~~(N)~~ *Keeper* means any person or legal entity who harbors, cares for, exercises
21 control over, or knowingly permits any animal to remain on premises occupied
22 by that person for a period of time not less than 72 hours or someone who
23 accepted the animal for the purpose of safe keeping.

Multnomah County Animal Control Code

- 1 ~~(O)~~ *Liability insurance* means public liability insurance in a single incident amount of
2 not less than \$50,000.00 for bodily injury to or death of any person or persons
3 or a cash bond or irrevocable letter of credit in the amount up to \$2,500.00.
4 The owner or keeper shall be required to provide the director with certification
5 of insurance within ten days of receiving notification of classification. Such
6 policy shall provide that no cancellation of the policy will be made unless ten
7 days' written notice is given to the director by certified mail.
- 8 ~~(R)~~~~(P)~~ *Livestock* means animals, including but not limited to fowl, horses, mules,
9 burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine and
10 or other farm domestic animals, excluding dogs and cats.
- 11 ~~(S)~~~~(Q)~~ *Livestock facility* means any site for the keeping of livestock.
- 12 (T) ~~(R)~~ *Minimum care* has the meaning as provided in ORS 167.310(8) (1995).
- 13 (U) ~~(S)~~ *Muzzle* means a device constructed of strong, soft material or a metal
14 muzzle that ~~complies with specifications to be adopted as administrative~~
15 ~~rules by the director. The muzzle must be~~ is made in a manner that will not
16 cause injury to the dog or interfere with its vision or respiration but must
17 prevent it from biting any person or animal.
- 18 (V) ~~(T)~~ *Owner* means any person or legal entity having a possessory property
19 right in the animal or any person who has been a keeper of an animal for
20 more than 90 days.
- 21 (W) ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human conduct
22 that is intentional, deliberate, careless, inadvertent, or negligent in
23 relationship to an animal.

Multnomah County Animal Control Code

1 (X) (V) *Person* means any natural person, association, partnership, firm or
2 corporation.

3 (Y) (W) *Pet license* is a record issued by Animal Control which identifies an
4 animal of licensable age and the owner. ~~Means a license for any owned~~
5 ~~animal that is of licensable age.~~

6 (Z) *Pet* means a domestic or other animal allowed under this Chapter to be kept
7 as a companion;

8 (AA) (X) *Physical device or structure* means a tether, trolley system, other
9 physical control device or structure made of material sufficiently strong to
10 adequately and humanely confine the animal in a manner that would
11 prevent it from escaping the premises.

12 (BB) (Y) *Physical injury* means physical impairment or as evidenced by scrapes,
13 cuts, punctures, bruises or physical pain ~~or other evidence of physical~~
14 ~~impairment.~~

15 (CC) (Z) *Potentially dangerous dog* means any dog that has been found to have
16 engaged in any of the behaviors specified in MCC 8.10.270.

17 (DD) (AA) *Public nuisance animal* is an animal that has been determined by the
18 director to be a chronic noise nuisance, or a chronic safety nuisance, or an
19 animal that is subjected to an immediate health hazard.

20 (EE)(BB) *A secure enclosure* shall be:

21 (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock
22 or combination lock. Such pen, kennel or structure must have secure sides,
23 minimum of five feet high, and the director may require a secure top attached

Multnomah County Animal Control Code

1 to the sides, and a secure bottom or floor attached to the sides of the
2 structure or the sides must be embedded in the ground no less than one foot.

3 The structure must be in compliance with the jurisdiction's building code.

4 (2) A house or garage. When dogs are kept inside a house or garage as a
5 secure enclosure, the house or garage shall have latched doors kept in good
6 repair to prevent the accidental escape of the dog. A house, garage, patio,
7 porch or any part of the house or condition of the structure is not a secure
8 enclosure if the structure would allow the dog to exit the structure ~~on~~ of its
9 own volition; or

10 (3) For a Dangerous Dog, a fully fenced pen, kennel or structure at least six feet
11 in height, installed beneath the ground level or in concrete or pavement, or a
12 fabricated structure to prevent digging under it. Either enclosure shall be
13 designed to prevent the entry of children or unauthorized persons and to
14 prevent those persons from extending appendages inside the enclosure and
15 be equipped with a self closing and self latching gate. A "Dangerous Dog"
16 sign prescribed by the director must be posted at the entry to the owner's or
17 keeper's premises.

18 (FF) ~~(GG)~~ *Serious physical injury* means any physical injury which creates a
19 substantial risk of death or which causes significant disfigurement, significant
20 ~~impairment of health or significant loss or impairment of the function of any body~~
21 ~~part or bodily organ~~ or protracted loss or impairment of health or of the function of
22 any body part or organ.

Multnomah County Animal Control Code

(GG) ~~(DD)~~ *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. means any guide dog, signal dog or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Service animal shall also mean trained animals used by government agencies in police and rescue work.

(HH) ~~(EE)~~ *Sexually unproductive* means being incapable of reproduction and certified as such by a licensed veterinarian.

~~(FF) *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 being 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.~~

(II) *Wolf-Hybrid* means any animal which is either the result of cross breeding a purebred wolf and a dog or an existing wolf-hybrid with a dog.

[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)]

Section II. AMENDMENT

MCC 8.10.020 is amended as follows:

Multnomah County Animal Control Code

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

9 Section III. AMENDMENT

10 MCC 8.10.035 is amended as follows:

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

15 (1) The name and address, if known, of the owner or person in violation of this
16 chapter and description of the animal, if applicable; and

17 (2) The Code section allegedly violated plus a brief descriptive statement of the
18 nature of the violation; and

19 (3) A statement of the amount due as a civil fine for the infraction and notice that
20 the animal is to be impounded if impoundment is authorized hereunder.

21 (4) A statement explaining all fines are due within 30 days of service of the
22 notice;

Multnomah County Animal Control Code

(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 with a \$25.00 non-refundable fee with to 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)]

Section IV. AMENDMENT

MCC 8.10.036 is amended as follows:

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)]

Section V. AMENDMENT

MCC 8.10.038 is amended as follows:

(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.

Multnomah County Animal Control Code

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

5 (C) When a person issued a notice of infraction for violation of any of the following
6 sections of this chapter: MCC 8.10.190(B)(2), (5) ~~(6)~~, (10) ~~(11)~~, (11) ~~(12)~~, or (12)
7 ~~(13)~~; or MCC 8.10.191(A), the violation may be compromised as provided at
8 MCC 8.10.038(D).

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

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

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

Multnomah County Animal Control Code

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

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

5 Section VI. AMENDMENT

6 MCC 8.10.040 is amended as follows:

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

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

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

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

19 (1) An animal bearing identification of ownership shall be held for 144 hours from
20 time of impoundment. The director shall make reasonable effort ~~within 24~~
21 ~~hours of impoundment~~ by phone to give notice of the impoundment to owner
22 or keeper and, if unsuccessful, shall mail written notice ~~within 48 hours of~~
23 impoundment to the last known address of the owner or keeper advising of

Multnomah County Animal Control Code

1 the impoundment, the date by which redemption must be made and the fees
2 payable prior to redemption release.

3 (2) An animal dog for which no identification of ownership is known or reasonably
4 determinable shall be held for 72 hours from time of impoundment before any
5 disposition may be made of the animal.

6 (3) Animals held for periods prescribed under this section, or as otherwise
7 required by ORS 433.340 or 433.390, and not redeemed by the owner or
8 keeper, shall be subject to such means of disposal as the director considers
9 most humane.

10 (4) Animals delivered for impoundment by a peace officer who removed the
11 animal from possession of a person in custody of the peace officer shall be
12 held for the period prescribed in paragraph (1) of this subsection. A receipt
13 shall be given the peace officer, who shall deliver the receipt to the person in
14 custody from whom the animal was taken. The receipt shall recite
15 redemption requirements and shall serve as the notice required by this
16 section.

17 (E) (1) Any impounded animal shall be released to the owner or keeper or the
18 owner's or keeper's authorized representative upon payment of impoundment,
19 care, rabies, vaccination deposits, license fees, past due fines, and all fees and
20 deposits related to potentially dangerous dog regulations with the addition of the
21 following conditions:

22 (a) Any animal impounded by court, hearings officer's or director's order shall be
23 released to the owner or keeper or the owner's or keeper's authorized

Multnomah County Animal Control Code

1 representative upon payment of all fees required in subsection (E) (1) of this
2 section, and upon receipt of a written order of release from the court of
3 competent jurisdiction or the hearings officer or the director issuing the order.

4 (b) Any classified potentially dangerous dog shall be released to the owner or
5 keeper or the owner's or keeper's authorized representative upon payment of
6 all fees required in subsection (E)(1) of this section, and upon verification of
7 satisfactory compliance with the regulations required in MCC 8.10.270 to
8 8.10.280. Failure to be in satisfactory compliance with the potentially
9 dangerous dog regulations within ~~ten days of~~ twenty days after the date of
10 impoundment shall result in the owner or keeper forfeiting all rights of
11 ownership of the dog to the county.

12 (2) An animal held for the prescribed period and not redeemed by its owner or
13 keeper, and which is neither a dangerous or exotic animal nor in a dangerous
14 unhealthy condition of health, may be released for adoption subject to the
15 provision of MCC 8.10.045.

16 (3) The director shall dispose of animals held for the prescribed period without
17 redemption or adoption only by humane means of ~~euthanasia~~, provided,
18 however, that, irrespective of any prescribed holding period, the director,
19 upon advice of a licensed veterinarian,

20 (4) At any time the director may euthanize any unlicensed and feral animal, or
21 any unhealthy or injured animal by humane means without regard to the
22 holding period specified in (D)(1)(2) above, provided the animal's injuries
23 must be determined to be life threatening or if the animal is unhealthy the

Multnomah County Animal Control Code

1 animal's condition must be found to present a health threat to the other
2 animals in the shelter.

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

7 [Ord. 156§ III (2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591 § 4
8 (1988); Ord. 732 § 3 (1992); Ord. 580, § 7 (1996)]

9 Section VII. AMENDMENT

10 MCC 8.10.041 is added as follows:

11 (A) Whenever a person in possession of an animal, which has been used in the
12 commission of a violation of this Chapter, and which is the subject of a lawful
13 order of impound, refuses to voluntarily release said animal to an Animal Control
14 Officer upon timely and reasonable request, the Director shall determine the
15 need to procure the animal's immediate impoundment.

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

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

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

Multnomah County Animal Control Code

1 (3) The Owner/Keeper has failed to comply with requirements specified in MCC
2 8.10.192.

3 (C) The Director shall request the assistance of the Sheriff to procure and execute
4 the limited search warrant. The Sheriff shall prepare the application for the
5 warrant including the affidavit in support thereof. The Sheriff shall obtain the
6 warrant in compliance with the procedures and practices authorized under State
7 law for the seizure of property pursuant to a search warrant. The Director and
8 the Sheriff shall coordinate with the Office of County Counsel to review the
9 affidavit for compliance with all the provisions herein stated.

10 Section VIII. AMENDMENT

11 MCC 8.10.045 is amended as follows:

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

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

16 (2) Payment of required fees; however, animals transferred to another adoption
17 agency are exempt from the requirement of paying adoption fees;

18 (3) In the case of a fertile dog or cat, the adoption agency must obtain prior to
19 transfer from the adoption agency to the adoptive owner a surgical
20 prepayment deposit in an amount not to exceed \$45.00 refundable upon
21 furnishing evidence that the animal has been rendered sexually
22 unreproductive; and written agreement by the adoptive owner or keeper to
23 render any adopted dog or cat sexually unreproductive within 30 days of

Multnomah County Animal Control Code

1 adoption or upon the animal attaining sexual maturity, whichever event last
2 occurs, together with a fee not to exceed \$45 refundable upon furnishing
3 evidence the animal has been rendered sexually unproductive. Failure to
4 perform the agreement shall be a forfeiture of the amount deposited under
5 this paragraph and the director may require return of the adopted dog or cat
6 to the shelter. It is unlawful to fail to return an adopted animal as required by
7 the director.

8 ~~(4) A written agreement by the adoptive owner or keeper to render any adopted~~
9 ~~dog or cat sexually unproductive within 30 days of adoption or upon the~~
10 ~~animal attaining sexual maturity, whichever event last occurs, together with a~~
11 ~~fee not to exceed \$45 refundable upon furnishing evidence the animal has~~
12 ~~been rendered sexually unproductive. Failure to perform the agreement shall~~
13 ~~be a forfeiture of the amount deposited under paragraph (3) of this section~~
14 ~~and the director may require return of the adopted dog or cat to the shelter. It~~
15 ~~is unlawful to fail to return an adopted animal as required by the director.~~

16 (B) The director may decline to release an animal for adoption under any of the
17 following circumstances including but not limited to:

18 (1) The prospective adoptive owner or keeper has a history of violations of the
19 animal control ordinance or has been convicted of an animal-related crime.

20 (2) The prospective adoptive owner or keeper has inadequate or inappropriate
21 facilities for confining the animal and for providing proper care to the animal
22 as set out in MCC 8.10.190;

Multnomah County Animal Control Code

1 (3) The existence of other circumstances which in the opinion of the director
2 would endanger the welfare of the animal or the health, safety and welfare of
3 the people residing in Multnomah County. ~~In making a decision under this~~
4 ~~subsection, the director shall consider the guidelines adopted by the~~
5 ~~Multnomah County animal adoption panel.~~

6 (4) The animal is classified as a dangerous dog animal or a potentially dangerous
7 dog.

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

11 [Ord. 275 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8 (1996)]

12 Section IX. AMENDMENT

13 MCC 8.10.054 is amended as follows:

14 **8.10.054. Appeals, fee.**

15 (A) Any party served a notice of infraction or director's decision or order under this
16 chapter may appeal the infraction or director's decision by submitting a notice of
17 appeal in writing along with the \$25.00 hearing fee to the animal eControl
18 dDivision within 30 days of the date the notice of infraction or director's decision
19 or order was served on the party.

20 (B) Any party whose application for a facility license or dangerous animal facility
21 license was denied, revoked or issued subject to conditions may appeal the
22 license denial, revocation or conditional approval by submitting a notice of appeal
23 in writing along with the \$25.00 hearing fee to the animal eControl dDivision

Multnomah County Animal Control Code

1 within 20 days of the date the denial or conditional approval was mailed to the
2 applicant by certified mail.

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

4 Section X. AMENDMENT

5 MCC 8.10.055 is amended as follows:

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

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

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

13 (D) The hearings officer shall hold a public hearing on any timely appeal from a
14 notice of infraction, director's decision or order, or the denial/revocation of a
15 facility license. The party who brought the appeal or any other person having
16 relevant evidence concerning the nature of the infraction or license
17 denial/revocation shall be allowed to present testimony and documentary
18 evidence at the hearing. The hearings officer may consider mitigating or
19 extenuating circumstances presented on behalf of a party.

20 (E) If the hearing is held to address a notice of infraction or director's decision issued
21 under MC 8.10.275 or 8.10.290, the hearings officer shall determine whether the
22 infraction contained in the notice did occur. The hearings officer shall have the

Multnomah County Animal Control Code

1 same authority as the director under MCC 8.10.275 when conducting potentially
2 dangerous dog hearings.

3 (F) If the hearing is held to address a facility license condition, denial or revocation,
4 the hearings officer shall determine whether the license conditions were rightfully
5 imposed or the license was rightfully denied or revoked as provided under MCC
6 8.10.120.

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

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

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

22 [Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]
23

1 SECTION XI. AMENDMENT

2 MCC 8.10.060 is amended as follows:

3 **8.10.060. Dogs and cats subject to pet licensing.**

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

6 (B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be
7 considered a dog under this chapter and subject to all provisions relating to
8 dogs under state law and this chapter with respect to the possession, ownership
9 and licensing of the animal, including the requirement to vaccinate the animal
10 against rabies.

11 (C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper, and
12 notwithstanding that person's obligation to vaccinate the animal against rabies
13 under MCC 8.10.060(B), any such owner or keeper shall agree in writing to
14 immediately release the animal for euthanization upon demand of the County
15 Health Officer or the Director, if the animal has bitten a person or has been
16 exposed to a rabid animal. This condition, consenting to release, shall be
17 effective for the life of the wolf-hybrid or until such time as a rabies vaccine is
18 approved and certified by the Oregon State Department of Agriculture for use in
19 wolf-hybrids.

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

21 Section XII. AMENDMENT

22 MCC 8.10.070 is amended as follows:

Multnomah County Animal Control Code

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

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

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

10 (D) The person who licenses an animal becomes the owner or keeper of record and
11 is responsible for the action or behavior of his or her animal including those
12 responsibilities of an owner as provided in MCC 8.10.190 (A).

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

15 Section XIII. AMENDMENT

16 MCC 8.10.080 is amended as follows:

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

Multnomah County Animal Control Code

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

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

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

9 [Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 § 3
10 (1992); Ord. 850, § 15 (1996)]

11 Section XIX. AMENDMENT

12 MCC 8.10.090 is amended as follows:

13 (A) License ~~F~~ees shall be waived for licenses issued for any dog used primarily as a
14 service animal upon presentment the owner or keeper establishing the service
15 animal's function as an assistance animal under the Americans With Disabilities
16 Act, 42 USC § 12101 et seq. ~~of an ADA affidavit by the animal's owner or keeper.~~

17 ~~A service animal license shall be valid for the duration that the dog provides the~~
18 ~~service or upon retirement due to age or infirmity and so long as the dog remains~~
19 ~~the property of the person named in the affidavit.~~

20 (B) License fees for dogs and cats owned by persons aged 65 or older and persons
21 deemed by the director to be under financial hardship shall may be reduced by
22 up to 50 percent for up to two (2) animals per household.

Multnomah County Animal Control Code

1 (C) License fees shall be waived for any dog used as a service animal by any Local,
2 State or Federal Government agency. This exemption shall expire when the dog
3 is no longer used primarily as a service animal.

4 [Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3
5 (1992); Ord. 850, § 17 (1996)]

6 Section XV. AMENDMENT

7 MCC 8.10.100 is amended as follows:

8 ~~(A)~~ A facility license or dangerous animal dog facility license shall be granted in
9 accordance with procedures, standards and limitations provided in MCC
10 8.10.100 to 8.10.140, and no such facility may lawfully be operated except upon
11 application and payment of prescribed fees for the license.

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

15 ~~(C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in~~
16 ~~Portland, Oregon, shall be exempt from the requirements of MCC 8.10.100 to~~
17 ~~8.10.140.~~

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

19 Section XVI. AMENDMENT

20 MCC 8.10.110 is amended as follows:

Multnomah County Animal Control Code

- 1 (A) Application for a facility license or dangerous animal dog facility license shall be
2 made upon forms furnished by the director, shall include all information required
3 therein and shall be accompanied by payment of the required fee.
- 4 (B) A facility license or dangerous animal dog facility license shall be valid for one
5 year from the date of issuance, unless revoked.
- 6 (C) The director shall inspect any facility for which a license is sought and, upon
7 determination that the facility and its operation complies with all applicable
8 provisions of this chapter and other applicable local, state and federal laws, shall
9 issue a license which may include one or more conditions of approval and/or
10 operation.
- 11 (D) If the director fails to approve or deny a fully completed application within 60 days
12 of its receipt and payment of fees, the application shall be considered approved
13 for the current year, subject only to revocation as provided in MCC 8.10.120.
- 14 (E) A license shall be conspicuously displayed on the facility premises and a holder
15 of a license shall keep available for inspection by the director a record of the
16 name, address and telephone number of the owner or keeper of each animal
17 kept at the facility, the date each animal was received, the purpose therefor, the
18 name and address of the person from whom the animal was purchased or
19 received, a description of each animal including species, age, breed, sex and
20 color and the animal's veterinarian, if known, at the discretion of the director. For
21 small animal such as fish, gerbils, hamsters or similar kinds of animals acquired

Multnomah County Animal Control Code

1 in lots, an individual record should not be required for each animal, but the
2 holders shall keep an adequate invoice record of the lot acquisition.

3 [Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850 § 19
4 (1996)]

5 Section XVII. AMENDMENT

6 MCC 8.10.120 is amended as follows:

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

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

10 (2) Conviction of the owner or keeper or any person subject to the owner's or
11 keeper's direction or control for the violation of any provision of this chapter or
12 other applicable state or federal law, rule, order or regulation pertaining to any
13 activity relating to animals.

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

15 (B) The director shall refund ~~400~~ 75 percent of any fee paid upon denial of a license,
16 provided, however, no refund shall be made upon revocation.

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

Multnomah County Animal Control Code

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

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

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

8 Section XVIII. AMENDMENT

9 MCC 8.10.130 is amended as follows:

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

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

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

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

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

21 (E) Safe and sanitary disposal facilities shall be available to eliminate animal and
22 food wastes, bedding, dead animals and debris and to minimize vermin
23 infestation, odors and disease hazards.

Multnomah County Animal Control Code

- 1 (F) Cleaning facilities shall be available to animal caretakers and handlers.
- 2 (G) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit
3 for animals not acclimatized to lower temperatures.
- 4 (H) Adequate ventilation shall be maintained to assure animal comfort by such
5 means as will provide sufficient fresh air and minimize drafts, odors and moisture
6 condensation. Mechanical ventilation must be available when ambient
7 temperatures exceed 85 degrees Fahrenheit, if appropriate.
- 8 (I) Interior areas shall have adequate natural or artificial lighting provided, however,
9 that primary enclosures for animals shall be protected from excessive
10 illumination.
- 11 (J) Interior building surfaces shall be so constructed and maintained to permit
12 sanitizing and prevent moisture penetration.
- 13 (K) Drainage facilities shall be available to assure rapid elimination of excess water
14 from indoor housing facilities. The design shall assure obstruction-free flow and
15 traps to prevent sewage back-flow.
- 16 (L) Outdoor facilities shall provide protective shading and adequate shelter areas
17 designed to minimize harmful exposure to weather conditions for those animals
18 not acclimatized to the environment, if appropriate for the species.
- 19 (M) The primary enclosure shall be of sufficient size to permit each animal housed
20 therein to stand freely, sit, turn about and lie in a comfortable normal position as
21 appropriate for the species. An exercise area or means to provide each animal
22 with exercise shall be provided on the premises.

Multnomah County Animal Control Code

- 1 (N)When restraining devices are used in connection with a primary enclosure
2 intended to permit movement outside the enclosure, the devices shall be
3 installed in a manner to prevent entanglement with devices of other animals or
4 objects and shall be fitted to the animal by a harness or well-fitted collar, other
5 than a choke type collar, and shall be of reasonable length.
- 6 (O)Animals shall be fed, as often as necessary, a diet of nutritionally adequate and
7 uncontaminated foods.
- 8 (P) Potable water shall be continuously available, unless otherwise recommended by
9 a veterinarian in a particular situation.
- 10 (Q)Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall
11 be sanitized daily to prevent disease ~~not less than once very two weeks by~~
12 ~~washing with hot water (180 degrees Fahrenheit) and soap or detergent, by~~
13 ~~washing with a combination disinfectant and cleanser, by washing with a~~
14 ~~detergent followed with a safe, effective disinfectant or by cleaning with steam.~~
15 Prior to the introduction of housing animals in into empty enclosures previously
16 occupied, the enclosures shall be sanitized. Animals shall be removed from the
17 enclosure during the cleaning process and adequate care shall be taken to
18 protect animals in other enclosures.
- 19 (R)Excrement shall be removed from primary enclosures a minimum of every 24
20 hours, or more often if necessary as to prevent contamination, reduce disease
21 hazards and minimize odors.

Multnomah County Animal Control Code

1 (S) Animals housed together in primary enclosures shall be maintained in compatible
2 groups with the following restrictions, except in a residential dwelling or otherwise
3 appropriate for the species:

4 (1) Females in season (estrus) shall not be placed with males except for
5 breeding purposes;

6 (2) Animals exhibiting vicious behavior shall be housed separately;

7 (3) Animals six months or less of age shall not be housed with adult animals
8 other than with their mothers, as appropriate for the species;

9 (4) Animals shall not be housed with other non-compatible species of animals;
10 and

11 (5) Animals under quarantine or treatment for any communicable disease shall
12 be separated from other animals.

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

14 (U) Each animal shall be seen at least once per 24-hour period by an animal
15 caretaker.

16 (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(6)(7) and
17 (B)(8)(9).

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

19 Section XIX. AMENDMENT

20 MCC 8.10.140 is amended as follows:

21 (A) Exotic, wild or dangerous animal regulation facility-license.

22 It is unlawful to harbor and/or own an exotic or dangerous animal. Any facility for
23 keeping of any dangerous animal, whether or not otherwise licensed under this

Multnomah County Animal Control Code

chapter, shall be licensed subject to MCC 8.10.100 and 8.10.110, and the following requirements:

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.

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.

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with 8.10.140(A):

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

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) License or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes.

(5) Traveling circuses or carnivals;

Multnomah County Animal Control Code

1 (6) Persons temporarily transporting exotic animals through the county provided
2 that the transit time shall not be more than three (3) days.

3 (7) Any person or facility licensed as an exhibitor or breeder by the United States
4 Department of Agriculture (USDA) under the Animal Welfare Act.

5 (8) Persons owning or keeping a trained exotic primate as a service animal and
6 who have submitted a sworn affidavit affirming the need for the service animal
7 in their personal dwelling.

8 ~~(C) A license issued under this section shall be subject to revocation by the director~~
9 ~~under MCC 8.10.120.~~ Any person, not otherwise exempted, in possession of an
10 exotic animal and a current exotic animal facility license prior to and upon the
11 date this ordinance takes effect shall be eligible to request an Exemption Permit
12 from Compliance with MCC 8.10.190(B)(14) by submitting a written petition to
13 the director. The petition must address each of the following elements:

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

15 (2) Description of the animal including species, age, size, weight, coloring;

16 (3) History of Compliance With All Exotic and Dangerous Animal Facility
17 Regulations under any applicable federal or state law.

18 (D) The director shall evaluate whether any petition submitted under subsection (E)
19 herein merits the exotic animal to be maintained at the facility for the duration of
20 the animal's life. Said determination shall be based on comparison of the risk to
21 public health and safety by the specified animal remaining in the facility and
22 petitioner's response to the three factors addressed in the petition.

Multnomah County Animal Control Code

- 1 (E) Any Exemption Permit issued under this section shall only be available to the
2 original permit holder, and shall be non-assignable and nontransferable. An
3 exemption permit shall be subject to annul renewal and routine periodic
4 inspection of the facility. Inspection of the facility wherein the animal is kept
5 shall be for the purposes of evaluating the adequacy of the facility to protect the
6 public from the animal as well as for the care and treatment of the animal. The
7 Exemption Permit shall:
- 8 (1) Terminate upon death of the animal;
9 (2) Terminate upon the death of the petitioner;
10 (3) Terminate upon the relocation of the petitioner or the animal to an address or
11 site outside of the boundaries of Multnomah County.
12 (4) Shall be subject to revocation and the animal shall be subject to immediate
13 impoundment upon any notice of infraction being issued to the permit holder;
14 (5) Provide that upon termination of the permit for any reason, and if the animal
15 has not been otherwise disposed of at such time, that the permit holder, or his
16 or her heirs or successors in interest shall either:
- 17 (a) Immediately release the animal to impound by the Animal Control Division,
18 or
19 (b) Immediately transfer the animal to lawfully exempted agency as provided
20 in subsection (D) herein, that has agreed in writing to accept the animal,
21 proof of which shall be provided to the Animal Control Division prior to the
22 transfer.

Multnomah County Animal Control Code

- 1 (F) Any dangerous or exotic animal found in Multnomah County in violation of this
2 section and not otherwise exempt under MCC 8.10.140(B) or (C) shall be
3 subject to immediate impoundment by Animal Control and disposition through
4 any lawful and humane means available to Animal Control.

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

6 Section XX. AMENDMENT

7 MCC 8.10.160 is amended as follows:

- 8 (A) Any person who finds and harbors an animal without knowing the animal owner's
9 or keeper's identity shall notify the director and furnish a description of the animal
10 within 5 days after the date of finding the animal.
- 11 (B) The finder may surrender the animal to the director or retain its possession,
12 subject to surrender upon demand of the director.
- 13 (C) Records of reported findings shall be retained for six months by the director and
14 made available for public inspection.
- 15 (D) If the finder chooses to retain possession of the animal, the finder shall, within 15
16 days, cause to be published in a newspaper of general circulation in the county a
17 notice of the finding once each week for two consecutive weeks. Each such
18 notice shall state the description of the animal, the location where the animal was
19 found, the name and address of the finder and the final date before which such
20 animal may be claimed. If the finder does not wish to have his or her name and
21 address appear in the notice, he or she may obtain a case number from
22 Multnomah County Animal Control and have that number published in the
23 newspaper along with the phone number for animal eControl for contact.

Multnomah County Animal Control Code

- 1 (E) If no person appears and claims ownership of the animal prior to the expiration of
2 90 180 days after the date of the notice to the director under subsection (A) of
3 this section, the finder shall be declared the owner of the animal. Any person
4 becoming owner of any animal under the provisions of this subsection shall
5 assume the responsibilities of an owner under this chapter.
- 6 (F) If within ~~three months~~ 180 days of the finder's notice to the director the animal's
7 owner does appear and establish ownership of the animal, the finder shall
8 surrender possession of the animal to that owner, provided, however, that the
9 owner first tender to the finder payment for all of the finder's reasonable actual
10 costs incurred for giving of notice, providing urgent veterinary care and keeping
11 of the animal.
- 12 (G) Any dispute as to ownership or right to possession of the animal, or as to the
13 amount of the finder's costs, shall be submitted to the director in writing, who
14 shall promptly decide the matter in writing within 30 days. Any party aggrieved
15 by the director's decision may appeal the decision under MCC 8.10.054 through
16 8.10.057.
- 17 (H) Notwithstanding any other provision in this section, any person who prior to
18 December 31, 1995 found and harbored any dog or cat and who notified the
19 director and furnished a description of the animal shall be the animal's owner if,
20 prior to the expiration of ~~three months~~ 180 days after the director was notified, no
21 person appeared and claimed ownership of the animal. Any person becoming
22 owner of any animal under the provisions of this subsection shall assume the
23 responsibilities of an owner under this chapter.

Multnomah County Animal Control Code

1 Section XXI. AMENDMENT

2 MCC 8.10.170 is amended to read as follows:

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

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

7 Section XXII. AMENDMENT

8 MCC 8.10.190 is amended as follows:

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

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

14 (1) Permit an animal to be an animal at large.

15 (2) Permit an animal to trespass upon property of another.

16 (3) ~~(4) Keep a vicious animal.~~ Fail to comply with requirements of this chapter
17 which apply to the keeping of an animal, or dangerous animal or any facility
18 where such animals are kept.

19 (4) ~~(5)~~ Permit a dog in season (estrus) to be accessible to a male dog not in the
20 person's ownership except for intentional breeding purposes.

21 (5) ~~(6)~~ Permit any animal to unreasonably cause annoyance, alarm or noise
22 disturbance to any person or neighborhood by ~~at any time of the day or night,~~
23 ~~by repeated barking, whining, screeching, howling, braying or other like~~

Multnomah County Animal Control Code

1 sounds which may be heard beyond the boundary of the owner's or keeper's
2 property under conditions wherein the animal sounds are shown to have
3 occurred either as repeated episodes of continuous noise lasting for a
4 minimum period of ten minutes or repeated episodes of intermittent noise
5 lasting for a minimum period of thirty minutes. It shall be an affirmative
6 defense under this subsection that the animal was intentionally provoked by a
7 party other than the owner to make such noise. Provided, 8.10.190(B)(5)
8 shall not be applicable to any lawful livestock owner or keeper; kennel or
9 similar facility, wherein the presence of livestock or the operation of a kennel
10 or similar facility is authorized under the applicable land use and zoning laws
11 and regulations.

12 (6) (7) Leave an animal unattended for more than 24 consecutive hours without
13 minimum care.

14 (7) (8) Deprive an animal of proper facilities or care, including but not limited to
15 the items prescribed in MCC 8.10.130. Proper shelter ~~shall~~ must include a
16 ~~structure that does not leak, will~~ provide protection from the weather and is
17 maintained in a condition to protect the animals from injury.

18 (8) (9) Physically mistreat any animal either by abuse or neglect or failure to
19 furnish minimum care.

20 (9) (10) Permit any animal to leave the confines of any officially prescribed
21 quarantine area.

22 (10) (11) Permit any dog to engage in any of the behaviors described in MCC
23 8.10.270(A) or (B).

Multnomah County Animal Control Code

1 (11)(42) Permit any dog to engage in any of the behaviors described in MCC
2 8.10.270(C) through 8.10.270 (D).

3 (12)(43) Permit any dog to engage in the behavior described in MCC 8.10.271.

4 (13)To harbor a dangerous or exotic animal that is not otherwise exempted under
5 MCC 8.10.140. Provided, any person who owns or is keeping a dangerous or
6 exotic animal on the effective date of this Ordinance in that person's
7 jurisdiction, shall have 180 days from the effective date to provide for the
8 animal's removal from Multnomah County or other lawful disposition.

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

11 (E) Notwithstanding, MCC 8.10.190(B)(10), (11) and (12), any dog that has been
12 found to have engaged in behaviors as described at MCC 8.10.270 or 8.10.271,
13 shall be classified, regardless of whether it is established by preponderance of
14 the evidence that the dog owner, keeper or other person permitted the dog to
15 engage in the behavior. If in any such case, it is not established by a
16 preponderance of the evidence that the person cited permitted the dog to engage
17 in the behavior, no fine shall be imposed against that person, but the dog owner
18 or keeper shall be subject to all other restrictions and conditions lawfully imposed
19 by the director or a hearings officer pursuant to MCC 8.10.280(B) and
20 8.10.055(H) respectively and;

21 (1) In any case, wherein the citing officer or the director based upon his or her
22 investigation and review of such case, determines there is insufficient
23 evidence to establish the responsible party permitted the dog to engage in the

Multnomah County Animal Control Code

1 violative behavior, may in lieu of issuing a Notice of Infraction for violation of
2 MCC 8.10.190(B)(10), (11) or (12) issue a Notice of Infraction citing this
3 subsection and the specific subsection of MCC 8.10.270 or 8.10.271 directly
4 applicable to the dog's alleged behavior.

5 (2) Any Notice of Infraction issued pursuant to 8.10.190(E)(1) shall not be subject
6 to the imposition of a fine against the person cited, upon issuance or
7 affirmation but that person shall be subject to all other restrictions and
8 conditions lawfully imposed by the director or a hearings officer pursuant to
9 MCC 8.10.280(B) and 8.10.055(H) respectively.

10 [Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord. 850, §
11 28 (1996)]

12 Section XXIII. AMENDMENT

13 MCC 8.10.191 is amended as follows:

14 (A) The failure to comply with any conditions or restrictions lawfully imposed
15 pursuant to a notice of infraction or director's decision not otherwise stayed
16 under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine
17 shall be an infraction under this section. A notice of infraction issued under this
18 section for failure to comply shall be of the same classification as the original
19 infraction. The first notice of infraction issued under this section shall not be
20 construed as a second offense under MCC 8.10.900(B).

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

Multnomah County Animal Control Code

1 (C) Any enforcement action for a Class A infraction failure to comply wherein the
2 circumstances of the failure to comply by the party in violation are determined by
3 the director to:

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

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

6 (3) Be a failure to pay past-due fines on three or more infractions within a 20
7 month period;

8 shall be brought in the state court as provided under ORS 203.810 and ORS
9 30.315.

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

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

14 (E) In addition to any other remedies allowed by law, judgment may be entered
15 under this Section in state court against any person issued a citation under
16 subsection (C) of this section by reason of that person failing to appear at the
17 time and date set for arraignment or other required appearance provided that
18 such judgment shall only be allowed if the notice of infraction served on the
19 person contains a statement notifying the person that a monetary judgment may
20 be entered against the person up to the maximum amount of fines, assessments,
21 and other costs allowed by law for the infraction if the person fails to appear at
22 the time, date and court specified in the notice of infraction or subsequent
23 hearing notice from the court.

1 Section XXIV. AMENDMENT

2 MCC 8.10.192 is amended as follows:

- 3 (A) Whenever a public nuisance animal, as determined by the director under this
4 chapter is found on any premises within the jurisdiction of the county, a written
5 order may be given to the owner or keeper of the animal(s), or to the owner,
6 occupant, person in possession, person in charge, or person in control of the
7 premises where the animal(s) is (are) located, or a written order may be posted
8 at such premises when none of the above people can be found at the premises.
9 Such order shall be signed by the director and shall give the person or persons to
10 whom it is directed no less than 72 hours (three days) nor more than 120 hours
11 (five days) to remove and abate the nuisance.
- 12 (B) If, after the time given to comply with the notice has passed, the nuisance has
13 not been abated, the director may summarily abate the nuisance by ordering
14 impoundment of the animal(s) and assess the cost of such abatement against
15 the owner or keeper of the animal(s), or the owner, occupant, person in
16 possession, person in charge, or person in control of the premises where the
17 animal(s) is (are) located, to be collected by suit or otherwise, in addition to the
18 penalties for the violation thereof.
- 19 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as
20 provided in subsection (A) and shall be construed ~~as interference with the~~
21 ~~director under MCC 8.10.030(D)~~ a Class A Infraction.
- 22 (D)(1) Any party served a written order to abate a nuisance as provided in
23 subsection (A) of this section, may appeal the order as provided under MCC

Multnomah County Animal Control Code

1 8.10.054. The appeal under this section may be consolidated with any
2 underlying infraction still pending eligible for appeal under this chapter. Provided,
3 any challenge to an enforcement action brought under subsection (C) of this
4 section, including issues relating to the validity of the order to abate the nuisance,
5 shall be joined in one state court proceeding, and there shall be no further
6 administrative review or appeal except as directed by the court.

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

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

13 (2) Notwithstanding MCC 8.10.191(C), any enforcement action first brought
14 under this section shall bar any enforcement action brought under MCC
15 8.10.191(C) in relation to the same event or series of events subject to
16 regulation and enforcement under this Chapter.

17 [Ord. 850, § 30 (1996)]

18 Section XXV. AMENDMENT

19 MCC 8.10.200 is amended as follows:

20 It is unlawful for any person in Multnomah County to:

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

22 (B) Knowingly and intentionally, whether for amusement of self or others, or for
23 financial gain, cause any animal to fight or injure any other animal, cause it to be

Multnomah County Animal Control Code

1 fought or injured by any other animal or to train or keep for the purpose of
2 training any animal with the intent that the animal shall be exhibited combatively
3 with any other animal. Anyone who permits such conduct on premises under
4 that person's control, and any person present as a spectator at that exhibition,
5 shall be considered a violator of this subsection and subject to punishment upon
6 conviction.

7 Section XXVI. AMENDMENT

8 MCC 8.10.270 is amended as follows:

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

12 (A) Level 1 behavior is established if a dog at large is found to menace, chase,
13 display threatening or aggressive behavior or otherwise threaten or endanger the
14 safety of any person ~~or domestic animal~~.

15 (B) Level 2 behavior is established if a dog while at large, causes physical injury to
16 any domestic animal.

17 (C) Level 3 behavior is established if a dog, while confined in accordance with MCC
18 8.10.010(B), aggressively bites ~~or causes any physical injury to~~ any person.

19 (D) Level 4 behavior is established if:

20 (1) A dog, while at large,

21 (a) aggressively bites ~~or causes physical injury to~~ any person; or

22 (b) kills or causes the death of any domestic animal or livestock; or

Multnomah County Animal Control Code

1 (2) A dog classified as a Level 3 potentially dangerous dog that repeats the
2 behavior in subsection (C) of this section after the owner or keeper receives
3 notice of the Level 3 classification.

4 (E) Notwithstanding subsection (A) through (D) of this section, the director shall have
5 discretionary authority to refrain from classifying a dog as potentially dangerous,
6 even if the dog has engaged in the behaviors specified in subsections (A)
7 through (E) of this section, if the director determines that the behavior was the
8 result of the victim abusing or tormenting the dog or was directed towards a
9 trespasser or other similar mitigating or extenuating circumstances.

10 [Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36
11 (1996)]

12 Section XXVII. AMENDMENT

13 MCC 8.10.271 is amended to as follows:

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

16 (1) A dog, whether or not confined, causes the serious physical injury or death of
17 any person; or

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

19 ~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the~~
20 ~~behavior described in MCC 8.10.270 (C) or (D) of this section after the owner~~
21 ~~or keeper receives notice of the Level 4 classification.~~

22 (B) Notwithstanding subsection (A) of this section, the director or hearings officer
23 shall have discretionary authority to refrain from classifying a dog as a dangerous

Multnomah County Animal Control Code

1 dog animal, even if the dog has engaged in the behaviors specified in subsection
2 (A) of this section, if the director or hearings officer determines that the behavior
3 was the result of the victim abusing or tormenting the dog or was directed
4 towards a trespasser or other extenuating circumstances that establishes that the
5 dog does not constitute an unreasonable risk to human life or property.

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

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

12 (1) Whether the dog constitutes an unreasonable risk to human life or property if
13 housed in a dangerous dog facility; or

14 (2) Whether the dog has successfully completed the certified America
15 Temperament Testing Society and/or Pet Partners as deemed appropriate
16 ~~been through a certified obedience or other training program; or~~

17 ~~(3) (4) Whether the dog is a good candidate for obedience training based upon~~
18 ~~the testimony of a certified animal trainer or behaviorist; or~~ The reasonable
19 likelihood of no repeated behavior by the animal in violation of this chapter.

20 [Ord. 850, § 37 (1996)]

21 Section XXVIII. AMENDMENT

22 MCC 8.10.275 is amended to as follows:

Multnomah County Animal Control Code

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

Multnomah County Animal Control Code

1 Additionally, the director shall have authority to impound the dog pending
2 completion of all appeals.

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

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

12 [Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§ 3,
13 16 (1992); Ord. 850, § 38 (1996)]

14 Section XXIX. AMENDMENT

15 MCC 8.10.280 is amended to as follows:

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

18 (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC
19 8.10.010(B) by a physical device or structure, in a manner that prevents the dog
20 from reaching any public sidewalk, or adjoining property and must be located so
21 as not to interfere with the public's legal access to the owner's or keeper's
22 premises, whenever that dog is outside the owner's or keeper's home and not on
23 a leash.

Multnomah County Animal Control Code

- 1 (B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure
2 whenever the dog is not on a leash. The secure enclosure must be located so as
3 not to interfere with the public's legal access to the owner's or keeper's premises.
4 In addition, the director may require the owner or keeper to obtain and maintain
5 proof of public liability insurance. In addition, the owner or keeper may be
6 required to complete a responsible pet ownership program as prescribed by the
7 director or a hearings officer.
- 8 (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure
9 enclosure whenever the dog is not on a leash. The secure enclosure must be
10 located so as not to interfere with the public's legal access to the owner's or
11 keeper's premises, and the owner or keeper shall post warning signs, which are
12 provided by the director, on the premises where the dog is kept, in conformance
13 with rules to be adopted by the director. In addition, the director may require the
14 owner or keeper to obtain and maintain proof of public liability insurance. The
15 owner or keeper shall not permit the dog to be off the owner's or keeper's
16 premises unless the dog is muzzled and restrained by an adequate leash and
17 under the control of a capable person. In addition, the director may require the
18 owner or keeper to satisfactorily complete a pet ownership program.
- 19 (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall be
20 euthanized or placed in a dangerous animal facility as determined by the director
21 or hearings officer. A dog classified as a dangerous animal shall be confined
22 within a secure enclosure with a double security gate and shall meet the
23 requirements in subsection (C) above. In addition, the director or hearings officer

Multnomah County Animal Control Code

1 may suspend, for a period of time specified by the director or hearings officer,
2 that dog owner's or keeper's right to be the owner or keeper of any dog in
3 Multnomah County, including dogs currently owned by that person.

4 (E) All dogs classified as dangerous animals, and determined by the director or
5 hearings officer to be euthanized shall be euthanized at any time not less than 20
6 days of the date of classification. Notification to the director of any appeal to the
7 hearings officer as provided for in MCC 8.10.054(A) or to any court of competent
8 jurisdiction shall delay destruction of the dog until a date not less than 15 days
9 after a final decision by the hearings officer or final judgment by the court.

10 (F) To insure correct identification, all dogs that have been classified as potentially
11 dangerous or dangerous animals shall be marked with a permanent identifying
12 mark, micro-chipped, photographed, ~~or~~ and may be fitted with a special tag or
13 collar as determined by the director, at the owner's expense. The director shall
14 adopt rules specifying the type of required identification.

15 (G) In addition to the normal licensing fees established by MCC 8.10.220(A)(2) and
16 (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1; and
17 \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs classified as
18 Level 4; and \$300.00 for dogs classified as Dangerous Animal. This additional
19 fee shall be imposed at the time of classification of the potentially dangerous dog,
20 and shall be payable within 30 days of notification by the director. Annual
21 payment of this additional fee shall be due and payable within 30 days of
22 notification by the director upon the anniversary date of the classification.

Multnomah County Animal Control Code

1 (H) The owner or keeper of a potentially dangerous dog or dogs classified as
2 dangerous animals shall not permit the warning sign to be removed from the
3 secure enclosure, and shall not permit the special tag or collar to be removed
4 from the classified dog. The owner or keeper of a potentially dangerous dog or
5 dogs classified as dangerous animals shall not permit the dog to be moved to a
6 new address or change owners or keepers without providing the director with ten
7 days' prior written notification.

8 ~~(I) Declassification of potentially dangerous dogs or dogs classified as dangerous~~
9 ~~animal. Any owner or keeper of a classified potentially dangerous dog or a dog~~
10 ~~classified as a dangerous animal may apply to the director, in writing, to have the~~
11 ~~restrictions reduced or removed.~~

12 (1) The following conditions must be met:

13 ~~(a) Level 1 or Level 2 dogs have been classified for one year without further~~
14 ~~incident, or and two years for Level 3 or and Level 4 dogs four years for~~
15 ~~dogs classified as dangerous animals; and~~

16 ~~(b) (c) The owner or keeper provides the director with written certification of~~
17 ~~satisfactory completion of obedience training for the dog classified, with~~
18 ~~the owner or keeper; and There have been no violations of the specified~~
19 ~~regulations; and~~

20 ~~(c) (f) Any other condition ordered by the director or hearings officer at the~~
21 ~~time of classification.~~

1 ~~(1) The owner or keeper provides the director with written certification of~~
2 ~~satisfactory completion of obedience training for the dog classified,~~
3 ~~with the owner or keeper.~~

4 ~~(2) In addition, the director may require the dog owner or keeper to~~
5 ~~provide written verification that the classified dog has been spayed or~~
6 ~~neutered.~~

7 ~~(3) Any reclassification request submitted under this section must include~~
8 ~~\$40.00 review fee.~~

9 (d) In addition, the director may require the dog owner or keeper to provide
10 written verification that the classified dog has been spayed or neutered.

11 (e) Any reclassification request submitted under this subsection must include
12 \$40.00 review fee.

13 (2) When the owner or keeper of a potentially dangerous dog meets all of the
14 conditions in this subsection, the restrictions for Level 1 and Level 2
15 classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs,
16 and dogs classified as dangerous animals may be removed, with the
17 exception of the secure enclosure.

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

19 Section XXX. AMENDMENT

20 MCC 8.10.285 is amended as follows:

21 **MCC 8.10.285 Declassification of potentially dangerous dog.**

22 Declassification of potentially dangerous dogs or dogs classified as a Dangerous
23 Animal. A \$40.00 Declassification Fee will be assessed when the classification

Multnomah County Animal Control Code

1 period begins. Declassification will be automatic pursuant to this section. Any
2 person who observes or has evidence of behavior as described in MCC 8.10.270 or
3 8.10.271 shall forthwith notify the director.

4 (A) The following conditions must be met:

5 (1) Level 1 or Level 2 dogs have been classified for one year without further
6 incident, and two years for Level 3 and Level 4 dogs; and

7 (2) There have been no violations of the specified regulations; and

8 (3) Any other condition ordered by the director or hearings officer at the time of
9 classification.

10 (a) The owner or keeper provides the director with written certification of
11 satisfactory completion of obedience training for the dog classified, with the
12 owner or keeper.

13 (b) In addition, the director may require the dog owner or keeper to provide
14 written verification that the classified dog has been spayed or neutered.

15 (B) When the owner or keeper of a potentially dangerous dog meets all of the
16 conditions in this subsection, the restrictions for Level 1 and Level 2 classified
17 dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs
18 classified as dangerous animals may be removed, with the exception of the
19 secure enclosure.

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

21 Section XXXI AMENDMENT

22 MCC 8.10.900 is amended as follows:

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

Multnomah County Animal Control Code

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

3 (a) MCC 8.10.030;

4 (b) MCC 8.10.150;

5 (c) MCC 8.10.180;

6 (d) ~~(e) MCC 8.10.190(B)(3)~~ MCC 8.10.190(B)(7)(8);

7 (e) ~~(f)~~ MCC 8.10.190(B)(8)(9);

8 (f) ~~(g)~~ MCC 8.10.190(B)(9)(10);

9 (g) ~~(h)~~ MCC 8.10.190(B)(11)(12)

10 (h) MCC 8.10.190(B)(12);

11 (i) MCC 8.10.190(B)(13);

12 (j) MCC 8.10.192;

13 (k) MCC 8.10.200.

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

16 (a) MCC 8.10.045(A)(3)(4);

17 (b) MCC 8.10.155;

18 (c) MCC 8.10.190(B)(3)(4);

19 (d) MCC 8.10.190(B)(4)(5);

20 (e) MCC 8.10.190(B)(5)(6);

21 (f) MCC 8.10.190(B)(6)(7);

22 (g) MCC 8.10.190(B)(10)(11).

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

(a) MCC 8.10.070;

(b) MCC 8.10.170;

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

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

(e) MCC 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 the 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

1 most recent notice of infraction for a Class B infraction, the fine shall be
2 \$250.00.

3 (3) Class C infractions. A fine for a Class C infraction shall be no less than
4 \$30.00 nor greater than \$150.00 for a first offense. If the violator has
5 committed a Class A, B, or C infractions within the 12-month period
6 immediately prior to the date of the second infraction, the fine shall be no less
7 than \$50.00 nor more than \$150.00. If the violator has committed two or
8 more Class A, B, or C infractions within the 12-month period immediately prior
9 to the date of the most recent notice of infraction for a Class C infraction, the
10 fine shall be \$150.00.

11 (C) Additional conditions and restrictions. In addition to the monetary civil penalties
12 imposed for infractions of this chapter, and the regulations applicable under MCC
13 8.10.280, the director and the hearings officer shall have authority to order
14 additional restrictions and conditions upon the party in violation, including but not
15 limited to:

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

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

22 (3) Require the owner or keeper of an animal that unreasonable causes
23 annoyance, as described in MCC 8.10.190(B)(5)(6), to keep the animal inside

Multnomah County Animal Control Code

1 the owner or keeper's residence during hours specified by the director or
2 hearings officer;

3 (4) The director or hearings officer may suspend, for a period of time specified by
4 the director or hearings officer, the animal owner's or keeper's right to own or
5 keep any animal in Multnomah County.

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

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

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

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

16 [Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 733, § 4 (1993); Ord. 823 § 5
17 (1995); Ord. 850, § 42 (1996)]

18 Section XXXII. AMENDMENT

19 MCC 8.10.940 is amended as follows:

20 A. Any person convicted of violation of MCC 8.10.200, shall be subject to a fine not
21 to exceed \$500, and the court may order impoundment of any animal caused to
22 be engaged in the prohibited conduct, which animal may be disposed of by the
23 director.

Multnomah County Animal Control Code

B. Any person previously convicted under this section shall be subject to punishment by imprisonment for a term of not more than one year and a fine not to exceed \$1,000 or both.

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

Approved this 25th day of June, 1998 being the date of its third reading before the Board of County Commissioners for Multnomah County, Oregon.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Sharron Kelley
Sharron Kelley, Vice-Chair
for Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

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